



Alabama Board of Funeral Service

Meeting Minutes

October 26, 2010

Call to order

Carole Jones-Banks called to order the first regular meeting of fiscal year 2010-2011 of the **Alabama Board of Funeral Service** at **11:09 a.m. on October 26, 2010** in **Room P-104 of the Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama.**

Attendance

The following members were present: Carole Jones-Banks, Joe Lewis, John Purdy, Samuel Seroyer, Rita Woods, and Terry Wilson. Staff present was Warren Higgins, Executive Secretary, and Charles M. Perine, Associate Executive Secretary, recording.

The following member(s) were absent: Jason Maise.

Nominations

Prior to the regular business meeting, nominations were taken from funeral directors and embalmers of the state pursuant to Alabama funeral service laws for membership positions of districts which terms will expire December 31, 2010. The following nominations were made:

District 1	District 2	District 5
C'aracher Small, Jr. - Mobile	Noah Turner - Troy	John C. Rudder - Scottsboro
Allen Rice - Mobile	Ernest Williams - Evergreen	Terri Ray - Huntsville
Thomas Maye - Monroeville	Alphonso Brown - Dothan	Karen Smith - Huntsville
		Michael Morrison - Florence

Because there were four (4) individuals nominated in District 5 and only three (3) names can be submitted to the Governor for consideration (§34-13-20, Code of Alabama, 1975) a ballot vote was taken and counted by Warren Higgins, Executive Secretary, Carole Banks, Chairman, and John Purdy, Vice – Chairman . The following table shows the results of the vote:

John C. Rudder	6
Terri Ray	6
Michael Morrison	7
Karen Smith	3

District 5 nominees that will be submitted to the governor are: John C. Rudder, Terri Ray, and Michael Morrison.



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Following the nominations, Mrs. Banks called the regular business meeting to order at 11:26 a.m.

Approval of minutes from last meeting

Mr. Purdy moved to approve the minutes of the July 22, 2010 meeting after the necessary correction were made. Seconded by Mrs. Woods.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

Old Business

NONE.

New Business

a) Approval of Licenses:

1) Applicants who passed law exam given earlier:

Mr. Purdy moved to approve all applicants who passed the state law exam given earlier that day upon the passing certification from the Conference under the new testing format, or those who had otherwise qualified for licensing. Seconded by Mrs. Woods.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

2) Apprentice Funeral Director with Previous Time Credited:

Mr. Higgins 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 Jeremy Scruggs, Herschel Johnson, Beth Wright, Traci Freeman, Lachaune Slater, Edith Berry Gann, William Petty, Marcus Dean, Deondra Nix, Awalahjaday Agee, Travis Wimbush, Antionette Wilson, and Fredrick Wilson. Mr. Wilson pointed out that Deondra Nix and Edith Gann last apprenticeship was in 2002 and wanted to know the reason they were trying to reactivate after all these years. Mr. Higgins replied that they both needed 3 months or more to complete their apprenticeship. Mr. Purdy asked if the board decline to approve then will the individuals have to start over. Mr. Higgins replied yes. Mr. Seroyer asked, did any of the applicants offer a reason why they did not complete the



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apprenticeship. Mr. Higgins stated that there were many different reasons why the applicants did not complete their apprenticeship (i.e. served apprenticeship and need to take test). Mr. Seroyer asked are they all employed at a funeral home. Mr. Higgins replied they have to be in order to receive an apprenticeship. Mrs. Woods moved to approve the re-registration of apprentice funeral director's applications with previous time served credited to the current registration. Seconded by Mr. Seroyer.

Yea vote: Mr. Seroyer and Mrs. Woods

Nay vote:

Abstain: Mr. Lewis, Mr. Purdy and Mr. Wilson

The motion passed with two yea votes, no nay votes, three members abstaining and the Chair, Mrs. Banks, not voting.

3) Apprentice Funeral Director and Embalmer with Previous Time Credited:

Mr. Higgins asked the Board to consider for approval the re-registration of apprentice funeral director and embalmer applications with previous time credited to current registration for Serigo Andrews, Roy Atkins Jr., Desi Morgan, Martha Riley, and James Burnett. Mr. Wilson stated that he was concerned and did not like the fact that the applicants had been away from the business so long and thinks that Desi Morgan who has been without an apprentice license since 1996 should have to start his apprenticeship over. Mr. Wilson moved to approve the re-registration of apprentice funeral director and embalmer applications **with** previous time credited to current registration for all applicants with the exception of Mr. Desi Morgan. Seconded by Mr. Purdy.

Yea vote: Mr. Lewis, Mr. Purdy and Mr. Wilson

Nay vote: Mrs. Woods

Abstain: Mr. Seroyer

The motion passed with three yea votes, one nay vote, one member abstaining, and the Chair, Mrs. Banks, not voting.

Mr. Purdy moved to approve the re-registration of apprentice funeral director and embalmer applications **without** previous time credited to current registration for Desi Morgan. Seconded by Mr. Wilson.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy and Mr. Wilson

Nay vote: Mrs. Woods

Abstain:

The motion passed with four yea votes, one nay vote and the Chair, Mrs. Banks, not voting.



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4) Permanent License:

Mr. Higgins asked the Board to consider the following for permanent license: Kevin Acre (funeral director and embalmer), Ashley Bellard (funeral director). Mr. Lewis asked were they trying to reciprocate or what. Mr. Higgins replied that they both previously had Alabama state licenses but allowed them to expire and did not renew them, but they have now paid the fees and submitted all the proper paperwork to be reinstated.

Mrs. Woods moved to approve permanent license. Seconded by Mr. Purdy. Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods
Nay vote:

Abstain:

The motion passed unanimously.

5) Establishment Applications:

Mr. Purdy stated he was concerned about the cremation centers and mortuary service and wanted to know if they met the same standards of a regular funeral home. He also stated that if the Board had pictures they could see what they were approving. Mr. Perine stated that the establishments that are listed as mortuary service meet the same requirements of a funeral home and those that have cremation service in their name do not have crematories, but are playing off the name "Cremation **Service**" because their focus will be on arranging cremation. Lorenzo Wright stated that the Board has to have trust in the people and their judgment that they employ to inspect the establishments and not second guess them. Mr. Purdy stated that he remembers Mr. Higgins making the statement that he had approved funeral homes that he would not take his family members to and he (Mr. Purdy) does not feel comfortable approving funeral homes unseen. Mr. Perine and Mr. Wright agreed that there are funeral homes they would not take their family members to, but had to approve them because they met the minimum standards of the law and we must follow the law. Mr. Wright went on to say until the laws are rewritten that the Board needs to regulate that which they can regulate. Mr. Lewis agreed, that which the Board has the power and authority to regulate, the Board needs to make sure it is regulating, but the laws need to be rewritten they are outdated. Mrs. Banks encourage Mr. Purdy to never feel that his comments are not welcome, because they are important. She continued by encouraging everyone present to look into the Bills that are out there affecting funeral service and that they should weigh in and support them. In the meantime the Board need to make sure it is regulating to the fullest.

Mrs. Woods moved to approve establishment licenses for Cremation Center of Birmingham in Leeds, Goodman Memorial in Wetumpka, Christian Memorial



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in Pell City, Saints in Florence, Alabama Cremation & Mortuary Service in Birmingham, and Small's Mortuary in Fairhope. Seconded by Mr. Wilson.

Yea vote: Mr. Seroyer, Mr. Wilson and Mrs. Woods

Nay vote: Mr. Lewis and Mr. Purdy

Abstain:

The motion passed with three yea votes and two nay votes and the Chair, Mrs. Banks, not voting.

Other

Mr. Purdy asked if there were any correspondents between the Board office and the testing center (Conference). Mr. Higgins explained that the Conference sends a notification of when someone takes the exam. Mr. Purdy asked are records kept because, a gentleman (Joe Kent) at his funeral home took the state funeral director's test three times and each time was told by the Conference that he had failed the test. He was preparing to take the test again when Mr. Purdy got involved. Mr. Purdy wanted to know why was it the Conference stated that Mr. Kent failed the test because he made below a 75 score, but the state law says that a score of 70 or above is passing and why didn't the office catch it. Mr. Kent passed the state law test in January. Mr. Purdy also wanted to know why Mr. Kent name was not on the list for approval today after he had made the office aware of this error and could something be done to have the conference change the way they report the state exam scores to the individuals. Mr. Higgins explained that this had been an unusual year involving separation pains and growing pains with Mr. Wright retiring and Mr. Perine starting. Mr. Higgins apologized for the mistake and stated that the Conference will not change the way they score the state exam, because he requested them to change the way they score the state exam once before and they refused but would ask again. The Conference scores the state exam on the same scoring scale that they score the national exam. Mr. Higgins explained that Mr. Kent name was not on the list for approval today because the list had already been made before he spoke with Mr. Purdy, and there would be no need to approve Mr. Kent today because he was approved by the general motion to approve everyone who took the state law exam during the January 26, 2010 meeting. Mr. Purdy stated he wonders how many more were caught in this same trap. Mrs. Banks asked what information do the Conference provide the office with and are scores included in that information. Mr. Wright explained how the system works with the conference and how he handled the Conference information when he was in the office. Mr. Purdy stated if he had not stepped in this would have continued and he feels that it is unacceptable and needs to be corrected. Mrs. Banks stated that the system needs to be fine tune or there needs to be a system that works. She stated that Mr. Kent license needs to be sent immediately along with a letter from Mr. Higgins. Also, Mr. Higgins needs to formally address



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this matter. Mr. Lewis asked will Mr. Kent receive his license. Mr. Higgins stated yes. Mr. Wilson asked can the Conference be adjusted. Mr. Wright stated the conference will not adjust the way they score the exam. Mr. Wilson asked can the Board notify the applicants the day of the state law exam how the scoring is done because many asked today what the next step is after they had taken the state law exam. Mr. Higgins responded yes. Mr. Perine stated that the office would work to get a system in place to prevent this mistake in the future. Mr. Higgins suggested that the Board may consider requiring applicants to have passed the state funeral director or the national exam before they could sit for the state law exam.

Report from Executive Secretary

Mr. Higgins started by asking the Board to observe a moment of silence in remembrance of Mr. Robert Kidd, Jr. of Demopolis, AL who was a past Board member and whom recently passed away.

After the moment of silence, Mr. Higgins continues by stating at the April 29, 2010 meeting the Board selected Mr. Perine as the new Associate Executive Secretary replacing Mr. Wright. At that time, the Board approved for Mr. Perine a salary of forty five thousand dollars (\$45,000) a year through October 1, 2010 which would be considered a probation period. Mr. Higgins stated he had reviewed the budget and the funding would be there to support a salary increase pending approval by the Board and the State Personnel Department. Mr. Higgins stated given Mr. Perine exceptional work since he has been with the office, Mr. Higgins recommended the Board approve the increase of Mr. Perine yearly salary from forty five thousand dollars (\$45,000) per year to forty nine thousand dollars (\$49,000) per year.

Mr. Purdy moved to approve the increase of Mr. Perine yearly salary from forty five thousand dollars (\$45,000) per year to forty nine thousand dollars (\$49,000) per year. Seconded by Mr. Wilson.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Higgins asked if he may reserve his final statement until the end of the meeting. The chair, Mrs. Banks, approved.

Report from Associate Executive Secretary

Mr. Perine – between June 2010 and September 2010, 460 inspections were complete. Mrs. Banks asked Mr. Perine how many inspections did he personally complete. Mr. Perine stated 305 and of those inspections there were many violations cited including caskets below minimum, current license not posted, embalming log



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not current, roof leakage, and price cards not in casket. Major violations will be discussed in executive session. Mr. Perine reported collection since June 2010: Outstanding Inspection Fee – total \$2275.00, collected \$1785.00; Bad Checks – total \$1785.00 (ck amt + fees), collected \$1450.00.

Mr. Perine continued, at the July 22, 2010 meeting the Board requested the office get a quote for purchasing a voicemail system for the office phone from the state telecommunication department. The quote for a voice mail system from the state telecommunication department would be \$6.50 per month/ per line with installation of \$10.00 per line. Mr. Perine asked that the Board consider the fact that the office receives calls at night, on Saturdays and Sundays and they currently get one of the office staff given the way we handle the phone system now. Funeral homes make arrangements on Sundays with families and if that family should have a problem, with a voice mail system they would have to wait until Monday to have their problem address whereas now a live person answers the phone and can assist them when they call. Mr. Higgins stated that the office staff currently pays for voice mail on their own phones and do not mine transferring the phone to their cell phone and if no one answers then the caller would still get a voicemail. Mr. Lewis asked have the staff seen an increase their bills. Mr. Higgins and Mr. Perine replied “no”. Mrs. Banks asked Mr. Perine what was his recommendation. Mr. Perine recommended that the office should allow the office to continue to transfer the office phone to a staff member’s cell phone for the purpose of a caller being able to get a live person during the weekend.

Mr. Perine continued, at the July 22, 2010 meeting the Board approved the purchase of three new computers for the Board office, which have been purchased and installed. Mr. Perine stated he had been working with ISD to develop a licensing program for the office. A copy of the estimate was presented to the Board members and discussed. Mrs. Woods asked if the system could be accessed from home. Mr. Perine replied that ISD stated this system would be kept in the same system as the Alabama driver licenses information is kept in, that’s how secure the system would be; therefore, no one would be able to access it from home. Mr. Purdy asked if the money was there to purchase the system and can the Board go ahead and set it aside for the purpose of purchasing the system. Mr. Higgins explained how the budget system works and referred the Board to the copy of the financial report given to them in their packet at the beginning of the meeting. Mr. Higgins stated that the money had to be budgeted in for that purpose. Mr. Purdy asked can the money that was not used in the current budget be used and if not when will the new budget be set. Mr. Higgins stated the new budget has to be turned in by November 1. Mr. Wright asked can the Board go into its reserve to get the money to purchase the computer program and he also stated that this is the type of program the Sunset Committee has been telling the



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office they needed in the past audits. Mr. Higgins replied that the Board could not go into the reserve. Mrs. Banks stated she believes the computer program is what the office needs. Mr. Lewis stated he could remember when the Board met with the Sunset Committee after the last audit, and the Committee stated to them that when there is a large amount on the books it needs to be used.

Mr. Wilson asked how soon the system would be in place if approved for purchase. Mr. Perine replied that ISD stated they could have it in place by January 1 if signed today.

Mr. Purdy moved to approve \$16,552.08 for the purchase of the company program for the Board office in order to lock the price in place. Seconded by Mrs. Woods.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

Other Business

Mr. Higgins reminded the Board members to make sure that they complete the Alabama Ethics' Commission Statement of Economic Interests for the previous calendar year. He stated it could be filled out online.

Mr. Perine stated for the purpose of being on record, that during inspections he encountered some resistance from some of the funeral homes. He felt some of the resistance was due to him being new to the job, rumors of him inspecting too thorough, Mr. Wright did things like this or that and many more. Mr. Perine wanted the incident put on record that he was threaten by a funeral director for requesting entry into a funeral establishment at 6 p.m. He stated the funeral director was upset that he requested a 6 p.m. entry and the funeral director stated to Mr. Perine that he would meet him with "guns a blazing". The funeral director demanded that he be called 45 minutes before Mr. Perine arrival at this establishment. After the inspection, the funeral director requested that in the future Mr. Perine annual inspections be done during normal business hours and that Mr. Perine should give him a call 45 minutes before he arrives to this location because the funeral director does not keep an attendant at that location unless they are busy there. Mr. Perine wanted to know the Boards position concerning this matter and if he was required to do inspection during normal business and should a courteous call be given. Mrs. Banks replied that inspections should be done during a reasonable hour and if the sun is still out, then that's a reasonable hour, but if it is after 5 p.m. then arrangements need to be made with the funeral home. The inspections are supposed to be unannounced and any call is just that a "courteous call" but not required. The Board does not expect Mr. Perine to do things like Mr. Wright. If a funeral home can make arrangements after hours for



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a death call they can make arrangements for Mr. Perine. Mr. Wright interjected, Mr. Perine did try to make arrangements and inspecting after 5 p.m. was not an uncommon practice. The inspections are considered to be just like a "First Call". Mr. Wright continue to say that during normal business hours if no one is at the funeral home, then the funeral home lacks proper supervision and should be written up as such. Mrs. Banks stated that Board and the office staff are to stand behind Mr. Perine and the law. Mr. Perine was not hired because he was like Mr. Wright; he was hired because the Board felt he was the best candidate to raise the standards. Mr. Perine was new, people were trying to get to know him, which may have caused him to get behind, and next year things should go smoother. Mr. Perine stated that he made it known that for the most part he would not be doing late inspections, but that is something that cannot be guaranteed because it is never known what will be encountered when he enters a funeral home and sometimes it is possible that he may be later than 5 p.m.

Mr. Purdy moved that the Board and the staff should fully support Mr. Perine and his efforts and any funeral home or director that has a problem with Mr. Perine's inspections should submit their concerns to the Board in writing for discussion because he is not there to argue, he is there to do his job. Seconded by Mr. Lewis.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Higgins encouraged everyone to go out and vote next Tuesday in the election.

Mrs. Woods moved that the Board meet in executive session to discuss the good name and character of an individual. Seconded by Mr. Wilson.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously. Mrs. Banks advised everyone present that the Board would now go into executive session and will return after a few moments to continue the regular business meeting. Everyone may return at that time.

Following the executive session, Mr. Purdy moved to approve the acceptance of David Street application for permanent license as a funeral director. Seconded by Mrs. Woods.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:



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The motion passed unanimously.

Mr. Purdy moved to fine funeral home #1 \$500 with a 30 day suspension stayed for 2 years for violation of the State of Alabama funeral laws and regulations in the matter of funeral arrangements being conducted by an unlicensed individual. Seconded by Mr. Wilson.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

Mrs. Woods moved to fine funeral home #2 \$600 (\$300 per case/ total of 2 cases) with a 60 day suspension stayed for 2 years for violation of the State of Alabama funeral laws and regulations in the matter of allowing the embalming preparation of two deceased human remains by a person who was not a licensed embalmer.

Seconded by Mr. Purdy.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Higgins stated that this was the last meeting for 3 of the Board members and would like to thank them for their years of service and wanted them to know how much everyone appreciated each of them.

Mr. Purdy stated how much he appreciated the Board and how he has enjoyed his time on the Board, he just wishes it was not over. Mr. Purdy stated, "One of my crowning achievements while on the Board was the selection and hiring of the new Associate Executive Secretary."

Mr. Lewis stated he has enjoyed his time on the Board; it has been a learning experience. The time passed so fast that he still remembers his first meeting. Mr. Lewis encouraged the Board to, "continue raising the standards. Those who are sincere about the business will qualify those who are not will fall away."

Mrs. Banks expressed how much she loves the funeral business and what she does. She explained how much she appreciated the Board and even though they have not always agreed but they have agreed on what was best. She charged the office to maintain an aggressive approach. Mrs. Banks stated, "What's right is not always popular, and what's popular is not always right."



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Adjournment

Mr. Lewis moved that the meeting be adjourned at 1:42 p.m. Seconded by Mr. Purdy.

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Purdy, Mr. Wilson and Mrs. Woods

Nay vote:

Abstain:

The motion passed unanimously.

Minutes submitted by: Charles M. Perine

X

Carole Jones-Banks
Chairman

X

Warren Higgins
Executive Secretary