



Alabama Board of Funeral Service

Meeting Minutes

October 26, 2011

Call to order

Rita Woods called to order the first regular meeting of fiscal year 2011-2012 of the **Alabama Board of Funeral Service** at **11:00 a.m.** on **October 26, 2011** in **Room P-103 of the Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama.**

Attendance

The following members were present: Samuel Seroyer, Rita Woods, Noah Turner, Michael Morrison, Thomas Maye 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, Mrs. Wood yielded to Mr. Morrison (Mrs. Woods' district was one of the districts to receive nominations) to accept nominations 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, 2011. The following nominations were made:

District 3	District 4	District 6	District 7
Bill Trent - Opelika	Jennie Buggs – Attalla	Terry Wilson – Pell City	Henry Moore – Selma
Randy Anderson - Alexander City	Bart Kirtland - Boaz	Calvin Meadows – Montevallo	Jason Wyatt – Tuscaloosa
Sammy Seroyer - Lafayette	Wayne Roden - Albertville	Heath Bowen - Alabaster	Rita Woods - Lisman

Mr. Maye moved that the above nominated names be submitted to the governor for selection of one individual from each district for appointment to the Alabama Board of Funeral Service for the term of January 1, 2012 to December 31, 2013. Seconded by Mr. Wilson. The motion passed unanimously.

Call to order

Following the nominations, Mr. Morrison yielded back to Mrs. Woods, after which Mrs. Woods called the regular business meeting to order at 11:09 a.m.

Approval of minutes from last meeting

Mr. Morrison moved to approve the minutes of the July 27, 2011 meeting, seconded by Mr. Wilson. The motion passed unanimously.

Old Business



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Reactivation application of Ms. Cassandra D. Brock, which was tabled at the July 27, 2011 meeting at which time the Board, asked Mr. Higgins to obtain a legal opinion from the Board's attorney as to if the Board had the authority to grant Ms. Brock another reactivation after having three previous reactivation of her apprentice funeral director's license. Mr. Higgins stated that if one of the previous reactivation did not have any activity after it was granted, then the Board could nullify that reactivation and grant another, but by law the Board does not have the authority to grant an additional reactivation beyond the two allowed by the funeral service law.

Mr. Wilson moved that Ms. Brock not be granted an additional reactivation, but be allowed to re-do her entire funeral director apprenticeship under the terms of the new law which was effective on October 1, 2011. Seconded by Mr. Turner. The motion passed unanimously.

New Business

Approval of Licenses:

1) Applicants who passed law exam given earlier:

Mr. Higgins asked the Board to consider for approval funeral director and/or embalmer license(s) for 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. Moved to approve by Mr. Morrison, seconded by Mr. Seroyer. 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 Marcus A. White, Valregenia Fowler, Tyrone Crittenden, Gwendolyn Holloway, Derek L. Daniels, Deloris S. Terry, Robert Smith, Darius D. Barlow, Darnell Gardner, Erika L. Terry, Termaine Jackson, John Coaker, Stephanie A. Wyatt, Juanita B. McKinnon, Terri L. Sorrells, Valeria J. Small, Lisa R. Arnold, Herman Thornton, Sally B. Gilmer, Demetrius A. Clark, Kofee D. Anderson, Joseph R. Fletcher Sr., Edwin E. Williams, Janice H. Kent, Adam T. Seal, Donyale R. Love, Stephanie Daniels, Terry L. Greer, John S. Watkins, Damon L. Daniels, Derrick L. Otts, Lorenzo N. Moore, Jeffery D. Black, Kendra L. Bolling, Cleopatra Hogan, Cedric L. Clifton, Larry D. Coleman, Kim Dale. Moved to approve by Mr. Morrison, seconded by Mr. Turner. The motion passed unanimously.

3) Apprentice Embalmer with Previous Time Credited:

Mr. Higgins asked the Board to consider for approval the re-registration of apprentice embalmer applications with previous time served as an apprentice credited to current



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registration for Cornelius W. Woods. Moved to approve by Mr. Morrison, seconded by Mr. Wilson. The motion passed unanimously.

- 4) Apprentice Funeral Director and Apprentice Embalmer with Previous Time Credited:** Mr. Higgins asked the Board to consider for approval the re-registration of apprentice funeral director and apprentice embalmer applications with previous time credited to current registration for Jeremy Cordell Madison, Antoinette D. Harvey, Karen Swain, and Cynthia J. Stephenson. Moved to approve by Mr. Seroyer, seconded by Mr. Morrison. The motion passed unanimously.

Mr. Perine asked the Board to consider for approval the extension of apprentice funeral director and apprentice embalmer applications for **Frederick D. Scott** as long as he remains enrolled in mortuary school. Moved to approve by Mr. Seroyer, seconded by Mr. Morrison. The motion passed unanimously.

- 5) Permanent License Re-registration:** Mr. Higgins asked the Board to consider the following for re-registration of permanent licenses as **Funeral Director and Embalmer: Thomas E. Jackson**. Moved to approve by Mr. Turner, seconded by Mr. Wilson. The motion passed unanimously.

Mr. Higgins asked the Board to consider the following for re-registration of permanent licenses as **Funeral Director: Jimmy Prince**. Moved to approve by Mr. Seroyer, seconded by Mr. Morrison. The motion passed unanimously.

6) Applicants Needing Board Approval

Presenter: Mr. Perine

- A) Tameka M. Harris. Applying for an apprenticeship funeral director and embalmer's license after committing acts that are grounds for revocation, suspension or refusal to issue or renew licenses. Mr. Wilson moved that the matter be tabled until Mr. Perine has an opportunity to talk with Ms. Harris probation officer. Seconded by Mr. Turner. The motion passed unanimously.
- B) Robert B. Clayton. Applying for an apprenticeship funeral director and embalmer's license after committing acts that are grounds for revocation, suspension or refusal to issue or renew licenses. Mr. Turner moved to table the matter until more information could be obtained. Seconded by Mr. Maye. The motion passed unanimously.
- C) Kimberly Dowdy. Applying for permanent funeral director's license after committing acts that are grounds for revocation, suspension or refusal to issue or



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renew licenses. Mr. Seroyer moved to accept Ms. Dowdy application for permanent funeral director's license and allow her to sit for the state law and funeral director's exams. Seconded by Mr. Wilson. The motion passed unanimously.

7) Applications for Permanent License as Funeral Director

Mr. Higgins asked the Board to consider for approval the application for permanent license as funeral director for Ollye M. Ward, pursuant to Code of Alabama, 1975, Section 34-13-74 due to the death of her husband, Mr. Hubert Ward, who was the only licensed funeral director for Peoples Funeral Home, Athens, AL and provided that Mrs. Ward is successful in taken the state law and funeral director's exam. Moved to approve by Mr. Seroyer, seconded by Mr. Wilson. The motion passed unanimously.

8) Operation Under Special Operating Permit

Mr. Higgins asked the Board to consider for approval the following establishment for licensure to operate by a special operating permit pursuant to Code of Alabama, 1975, Section 34-13-74 to: Peoples Funeral Home of Athens, AL by Ollye M. Ward. Moved to approve by Mr. Wilson, seconded by Mr. Turner. The motion passed unanimously.

9) Establishment Applications

Mr. Perine asked the Board to consider for approval the following establishments for licensure: Aaron Bessemer Birmingham Mortuary in Bessemer, Banks Memorial Funeral Home & Cremation Services in Monroeville, Bass-Fuller Funeral Home in Rockford, Grace Memorial in Woodstock, Gulf Coast Cremation & Funeral Service in Mobile, Law Mortuary in Dixons Mills, Smith's Mortuary in Mobile, Smith's Mortuary in Boligee and Lee Funeral Home in Montgomery. Mr. Wilson moved to approve the above establishments, seconded by Mr. Maye. The motion passed unanimously.

Report of Executive Secretary

- 1) Mr. Higgins reported to the Board receipts for fiscal year 2011 of \$244,918.59 and expenditures of \$225,063.00.

Report of Associate Executive Secretary

Mr. Perine made the following report to the Board:

- 1) For Fiscal year 2011:
 - a. 469 inspections were completed
 - b. 7 establishments closed during the year



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- c. 2 establishments are closed due to remodeling. One establishment has been closed for two years, and the other establishment did not notify the Board of their closing. Both establishments attempted to renew the establishment's licenses for the fiscal year 2012 and they were advised that the license would not be renewed until inspections have taken place.
 - d. The Board has billed out \$16,725.00 for inspections fees and has collected 13,055.00 to date.
 - e. Returned checks including the \$30 fee for fiscal year 2011 equals \$2280.00. \$2150.00 has been collected. One check for \$50 + \$30(fee) = \$80 has been deemed uncollectable due to the death of the licensee. Another check in the amount \$20 + \$30 (fee) = \$50 has gone unsuccessful in the attempts to collect.
- 2) Renewals. Mr. Perine stated that all renewals were done using the new licensure program and overall everyone should have seen a difference in the appearance of the license and a quicker turn around in receiving their licenses.
 - 3) Computer Program. The Board staff is continuing to work with the state ISD to work out any issues with the program and to make sure the office has everything that is needed in the program. Mr. Perine explained that the program is being done in phases. As one phase is done it is tested by the Board office to ensure proper operation and then the next phase is added.
 - 4) New Law. Mr. Perine explained that he has been traveling to different meeting around the state discussing the Senate Bill 94 which took effect on October 1, 2011 significantly changing the Alabama Funeral Service Law.

Funeral Service Administrative Law

Mr. Higgins explained that Senate Bill 94 become effective October 1, 2011 making significant changes to the statutory authority of the Alabama Funeral Service Law. Due to those changes the Board must amend and/or add new administrative rules to the law. He explained that decisions made during this meeting are only proposed changes and/or addition. The proposed changes must go through the administrative rule making process before becoming effective as law.



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1) Proposed Schedule of Fees

Mr. Perine explained that the following table had been prepared for board members to see the Fee Type, Statutory Authority, Current Amount, NEW Authorized Amount and the Board was to decide on the Proposed Amount.

FEE TYPE/PURPOSE	STATUTORY AUTHORITY	RULE	CURRENT AMOUNT	AMOUNT AUTHORIZED	PROPOSED AMOUNT
Funeral Director Application Fee	34-13-70	395-X-2-.04	\$50.00	Not To Exceed \$150.00	\$100.00
Embalmer Application Fee	34-13-90	395-X-2-.04	\$50.00	Not To Exceed \$500.00	\$100.00
Funeral Director Apprentice / Embalmer Apprentice Application Fee	34-13-130	395-X-2-.04	\$20.00	Not To Exceed \$20.00	\$20.00
Funeral Establishment Application Fee	34-13-113	395-X-2-.04	\$200.00	Not To Exceed \$500.00	\$400.00
Funeral Director / Embalmer / Practical Embalmer Renewal Fee	34-13-53	395-X-2-.03	\$50.00	Not To Exceed \$150.00	\$100.00
Funeral Establishment Renewal Fee	34-13-53	395-X-2-.03	\$100.00	Not To Exceed \$500.00	\$250.00
Funeral Director Apprentice / Embalmer Apprentice Renewal Fee	34-13-131	395-X-2-.03	\$20.00	Not To Exceed \$20.00	\$20.00
Funeral Establishment – Original Inspection Fee	34-13-111(b)	395-X-4-.01	\$35.00	Not to Exceed \$150	\$150.00
Funeral Establishment – Re-Inspection Fee	34-13-111(b)	395-X-4-.01	\$75.00	Not to Exceed \$150	\$150.00
Funeral Establishment – Annual Inspection Fee	34-13-111(b)	395-X-4-.02	\$35.00	Not to Exceed \$100	\$75.00
Late Penalty for Past Due Inspection Fee	34-13-111(b)		None	No Min or Max	\$150.00
Funeral Establishment – License Transfer	34-13-111(c)	None	\$25.00	Not to Exceed \$75	\$25.00
Funeral Establishment New Branch or Location	34-13-111(c)	None	\$250.00	\$250.00	\$250.00
Funeral Establishment – Reissued License Due to Name Change	34-13-114	None	\$25.00	Not to Exceed \$75	\$25.00
Special Operating Permit	34-13-74(b)	None	\$25.00	Not to Exceed \$100	\$50.00
Late Renewal Fee or Lapsed Penalty	34-13-55	395-X-2-.02	\$25.00	Not to Exceed \$100	\$50.00
Reciprocity Licenses	34-13-51	None	\$100.00 per license	Not to Exceed \$500 per license	\$250.00
Reciprocity Special Work Permit	34-13-51(d)		None	Not to Exceed \$100	\$25.00



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After discussion by the Board and their decision as to the proposed fee amounts, Mr. Morrison moved that Board accepted the proposed fee schedule and proposed amounts. Seconded by Mr. Turner. The motion passed unanimously.

2) Administrative Amendments

Mr. Perine explained that the current administrative rules need to be amended in the following manner:

- a) 395-X-1-.01 – Board members term changed to say “may serve no more than four consecutive terms”. Also the word “chairman” changed to say “chair”.
- b) 395-X-1-.02 – Add the phrase “no more than two nominees from each district can be of the same race.”
- c) 395-X-2-.01 – Change the passing score for any board exam to 75%.
- d) 395-X-2-.03 and 395-x-2-.04- Replace with The Fee Schedule Table.
- e) 395-X-2-.05 – Increase the state law exam passing score from 70 % to 75%.
- f) 395-X-4-.02 – Add “Inspection fees that are not received by the Board within forty-five (45) days will be charged a late fee penalty of \$ ____.”
- g) 395-X-4-.03 – Add “shall send a copy of the complaint to the affected licensee by certified mail. The licensee shall answer the complaint in writing within twenty (20) days. After receipt of the response from the licensee or lapse of 20 days, the Board...”
- h) 395-X-4-.03 – Repeal and add “Display of License”
- i) 395-X-6-.01 – Add “operating embalming equipment”
- j) 395-X-7 –**REPEALED**
- k) Fees will be corrected to agree with fee schedule.

Mr. Turner moved to accept the above listed proposed changes to the current administrative law. Seconded by Mr. Morrison. The motion passed unanimously.

3) Addition to the Administrative Law

a. Schooling required for funeral director’s license.

- i. 34-13-50 states that before an exam or license for funeral directing can be given, an individual must have graduated from an accredited mortuary school. Some schools offer a certificate program in funeral directing, but the certificate program is not accredited by the American Board of Funeral Service. The question placed before the Board and for an administrative rule was, “Will the Board accept the certificate program as meeting the education requirements as stated in section 34-13-50 of the new funeral law?”
- ii. Mr. Turner moved to table the matter until the Board could hear from a representative of Jeff State who currently offers the certificate program. Seconded by Mr. Wilson. The motion passed unanimously.



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- b. License issued by the Board of Funeral Service must be on public display.
 - i. Question before the Board is what areas of an establishment would be considered public display?
 - ii. Mr. Higgins stated that the Board could simply say that licenses must be displayed in any location of an establishment that is not restricted from public travel.
 - iii. Mr. Morrison moved to accept the following as to what is considered public display for the purpose of the Alabama Funeral Service Law: Any location of an establishment that is not restricted from public travel. Seconded by Mr. Seroyer. The motion passed unanimously.
- c. New establishments must have a room large enough to accommodate 100 people for a funeral service or viewing.
 - i. Question before the Board is what standard of measurement or criteria will be used to determine a room's capacity?
 - ii. Mr. Perine explained that he had talked with the state fire marshal, who stated that the architect would be responsible for making sure that is included in his blue prints. Mr. Perine also stated he spoke with the Inspection Chief of the Montgomery Fire Department and he stated that the standard used by the fire department is 15 square feet per person. Mr. Higgins stated that this was too broad of a matter. Mr. Perine stated that a standard need to be set so that the Board's inspector's decision could not be challenge if the same standard is used each time.
 - iii. Mr. Turner moved to table the matter. Seconded by Mr. Wilson. The motion passed unanimously.
- d. Display Room – may contain a stock of cuts, photographs, electronic images or full size caskets, but at no time shall less than eight different adult size caskets be on the premises.
 - i. Question before the board is should there be a minimum number of cuts be required if cuts only are used in an establishment's display room?
 - ii. The Board's unanimous decision was allow the statutory law (34-13-113(A4)) to stand as written.



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Forms

Mr. Perine asked the Board to consider for approval an amendment and or addition to the following forms in order to comply with the new statutory laws:

Establishment Application – addition of pre-need question for COA license number.

Establishment Renewal - addition of pre-need question for COA license number.

Mortuary Service Application – new form

Mortuary Service Renewal – new form

Special Work Permit Application – new form

Authorizing Agent Affidavit – new form

Mr. Higgins explained that the Special Work Permit would be issued to an individual who is trying to receive a license by reciprocity after they have met all the requirements for reciprocity except having taken the state law exam and the permit would expire at the next scheduled state law exam. Mr. Perine advised that fee amounts would be added to the forms once they have been approved and placed into the administrative law. Mr. Morrison moved to approve the form as amended and the addition of the new forms, seconded by Mr. Turner. The motion passed unanimously.

Other Business - None

January 2011 Meetings

Mr. Perine recommended that the next state law exams be administer on Wednesday, January 25, 2011 at 10:00 a.m. followed by the quarterly Board meeting at 11:00 a.m. that same day.

Mr. Morrison moved to approve January 25, 2011 for the next exam and meeting dates, seconded by Mr. Turner. The motion passed unanimously.

Adjournment

Being no other business, Mrs. Woods asked for a motion to adjourn. Mr. Wilson moved to adjourn the meeting at 12:58 p.m., seconded by Mr. Turner. The motion passed unanimously.

Minutes submitted by: Charles M. Perine

X

Chairman

X

Warren Higgins
Executive Secretary