

**Georgia State Board of Funeral Service Minutes**  
**October 16, 2007**

A meeting of The Georgia State Board of Funeral Service was held on October 16, 2007 at 237 Coliseum Drive, Macon, Georgia. Draper Watson, Chairman, called the meeting to order at 10:00 a.m.

A quorum was established with members present being: Draper Watson, Chairman, David Roach, Terry Daviston, Thelon Hamby, Lauren McDonald, Linda Ware, and Nancy Kennedy.

At 1:00 p.m. Mr. Watson excused himself from the meeting. Mr. Roach assumed the responsibilities as Presiding Officer. A quorum was established with the remaining members present.

Others present were as follows: Steve Lindsey, Executive Director, Reagan Dean, Assistant Attorney General, JoAnn Lyde, Application Specialist, and Laurie Elander, Board Secretary.

**Approval of Minutes:**

Ms. Ware moved, Ms. Kennedy seconded, and the Board approved the minutes of the September 11, 2007 meeting.

Discussion: Reinstatement of Lapsed "Grandfathered" Funeral Director's License was presented by Reagan Dean, Assistant Attorney General.

Mr. Lindsey will compile a list of active funeral director licensees who do not have an embalmer license for Board review at the next meeting.

Mr. Roach moved, Mr. McDonald seconded to table decision until report from Executive Director is presented. After discussion, Mr. Roach withdrew the motion.

Mr. Daviston moved, Mr. Hamby seconded and the Board voted to abide by previous Assistant Attorney General's advice that a lapsed funeral director license issued prior to the requirement of an embalmer license will require an embalmer license to reinstate the director license. Ms. Ware and Mr. McDonald opposed.

Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to request advice from Attorney General's office on possible discrepancies between OCGA 43-18-71 (a) (3) and Board Rule 250-6-.08.

**Executive Session:**

Mr. Hamby moved to enter into Executive Session to deliberate on applications, complaints, and investigations, as authorized by OCGA §§ 43-1-2 (k) and 43-1-19 (h). Ms. Kennedy seconded the motion. The motion was carried by Mr. Hamby, Mr. McDonald, Mr. Roach, Mr. Daviston, Ms. Ware, Ms. Kennedy, and Mr. Watson. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

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Mr. Daviston moved, Ms. Kennedy seconded, and the Board voted to approve Kim D. Cline as Funeral Director in Full & Continuous Charge of Metro Crematory (CREM000054). Mr. Hamby was not present during the discussion or the vote.

Mr. Daviston moved, Ms. Kennedy seconded, and the Board voted to approve the change of name application for Carmichael-Hemperley Funeral Home (FEST001682) to Carmichael-Hemperley Funeral Home and Crematory. Mr. Hamby was not present during the discussion or the vote.

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to approve a 1<sup>st</sup> 90-day grace period for Oconee Chapel Funeral Directors (FEST001297) to secure a Funeral Director in Full & Continuous Charge.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to approve the application for reinstatement of establishment license for Lord & Stephens Oglethorpe Chapel (FEST001152) with Ronald Dale Rogers as Funeral Director in Full & Continuous Charge.

Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to approve J. D. Wheeler as Funeral Director in Full & Continuous Charge of Ronnie L. Stewart Family Funeral Home in Glenwood, GA (FEST001052).

Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to approve Ronnie Stewart as Funeral Director in Full & Continuous Charge of Ronnie L. Stewart Family Funeral Service in Vidalia, GA (FEST000734).

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to approve the new establishment application for Howard-Jones-Nobles Funeral Home in Jesup, GA with Danny Harold Nobles as the Funeral Director in Full & Continuous Charge.

Dent's Undertaking Establishment in Augusta, GA was unable to attend the meeting.

Chavous B. Johnson did not attend the meeting.

Mr. Daviston moved, Mr. Roach seconded, and the Board voted to deny the application for Embalmer and Funeral Director by reciprocity for Clint Smith. Mr. Hamby was not present during the vote.

Mr. Roach moved, Ms. Ware seconded, and the Board voted to approve the application for Embalmer and Funeral Director by reciprocity for R M upon passing the Laws & Rules exam.

Gregory Williams did not attend the meeting.

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Mr. Roach moved, Ms. Ware seconded, and the Board voted to table the decision for W. S. F. S.

Mr. Hamby moved, Ms. Ware seconded, and the Board voted to approve the application for change of location for Norrington Funeral Home in Greensboro, GA (FEST000199). New location is 215 East Broad Street.

**Applications:**

Mr. McDonald moved, Mr. Hamby seconded, and the Board voted to ratify the licenses issued since the August 14, 2007 meeting for funeral directors, embalmers, and apprentices. Applications issued and ratified by the Board were:

License Number	Name	License Type
EMB004536	Garmon, William Anthony	Embalmer
EMB004537	Ahonen, Chelsea Leone	Embalmer
EMB004538	Sirmons, Jasmine Catricia Chantel	Embalmer
EMB004539	Dixon, Kimberly Dianne	Embalmer
FD004946	Garmon, William Anthony	Funeral Director
FD004947	Ahonen, Chelsea Leone	Funeral Director
FD004949	Dixon, Kimberly Dianne	Funeral Director
FSA004800	Walker, Charles Cornell	Funeral Service Apprentice
FSA004801	Martinez, Johanna	Funeral Service Apprentice
FSA004802	Sheller, Richard Howard	Funeral Service Apprentice
FSA004803	Prow, Richard Alan	Funeral Service Apprentice
FSA004804	Alford, Pichard Kerr Justin	Funeral Service Apprentice
FSA004805	Gory, Chefrene LeAnn	Funeral Service Apprentice
FSA004806	Nelms, Benjamin Earl	Funeral Service Apprentice
FSA004807	Grubbs, Justin Mays	Funeral Service Apprentice
FSA004808	Richardson, Alan Lee	Funeral Service Apprentice
FSA004809	Hill, Donna Shunetta	Funeral Service Apprentice
FSA004810	Powell, William Audie-Paul	Funeral Service

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		Apprentice
FEST001678	Worthy & Son Mortuary LLC	Funeral Establishment
FEST001679	Worthy & Son Mortuary LLC	Funeral Establishment
FEST001680	Harvey Funeral Home LLC	Funeral Establishment
CREM000069	Conner-Westbury Crematory	Crematory

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to deny the application for Starling Funeral Home.

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to approve application for funeral apprentice license for Christopher William Berry.

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to approve application for Funeral Director license for WG M upon receipt of National Exam scores.

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to table a decision on application for CM.

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to approve the reinstatement application of funeral apprentice for Felix Smith.

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to deny the application of funeral apprentice for Jakira Strong.

Mr. Hamby moved, Ms. Kennedy seconded, and the Board voted to deny the application of funeral apprentice for Renita Strong.

Mr. Jarthur Harris made an unscheduled appearance before the Board to request approval of a candidate for Funeral Director in Full & Continuous Charge for Moore Funeral Home. The Board discussed the circumstances of the funeral home at length with Mr. Harris and suggested that Mr. Harris confer with the owner of Moore Funeral Home to determine their options.

**Complaints:**

**FUN060090:** Mr. Hamby moved, Ms. Ware seconded, and the Board voted to close the case with no action.

**FUN080019:** Mr. McDonald moved, Ms. Kennedy seconded, and the Board voted to close the case with no action.

**FUN080025:** Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to close with no action.

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**FUN080008:** Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer to the Attorney General's office for revocation.

**FUN080040, FUN080041, FUN080044, FUN080045, FUN080046:** Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer these cases to investigations.

**FUN080043 & FUN080047:** Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to close these cases with no action.

**FUN080039:** Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer to inspections.

**FUN080042:** Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer to inspections and the Securities Division.

**FUN080048:** Mr. Daviston moved, Mr. McDonald seconded, and the Board voted to refer to the Attorney General's office for consent order.

**FUN080049 & FUN080050:** Mr. Daviston moved, Mr. McDonald seconded, and the Board voted to refer to inspections for a cease and desist order and the Attorney General's office for summary suspension. Mr. Hamby was not present for the discussion or vote on these cases.

**FUN080051:** Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to refer to inspections.

**FUN080052:** Mr. McDonald moved, and Mr. Hamby seconded, and the Board voted to refer to the Attorney General's office.

**Attorney General Report:**

Mr. Hamby moved, and Ms. Kennedy seconded, and the Board voted to accept the Final Decision order to revoke the embalmer and funeral director licenses of Matthew W. Jones, and to request the return of the licenses to the Board.

The Board reviewed Attorney General advice on Memorial Society of Georgia.

Mr. Hamby moved, and Ms. Kennedy seconded, and the Board voted to accept the consent order for Dana Andrew Watkins and close the case.

**Continuing Education:**

Mr. Roach moved, Mr. Daviston seconded, and the Board voted as follows on the continuing education courses presented:

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Program Provider/Sponser	Course Title	HRS Approved	Board Vote
Aurora	Arranger Training	6	Approved
Hospice Foundation of America	Living with Grief: Children and Adolscents (On-line)	3	Denied
100% Education by McKissock	Marketing for the Funeral Director	3	Approved
National Funeral Directors Association	The Inner Secrets of Outrageous Marketing-Web based	2	Approved
Selected Independent Funeral Homes	Selected Independent Funeral Homes 2007 Annual Meeting	9	Approved
Funeral Review.Com, LLC	Funeral Service Business Plan 2008	14	Approved
Funeral Review.Com, LLC	Profits by Pleasure (On-line)	4	Approved
Funeral Review.Com, LLC	Understanding and Managing Grief (On-line)	6	Approved
Funeral Review.Com, LLC	Learning to be a Leader (On-line)	3	Approved
GFDA (Georgia Funeral Director Association)	District Meeting	2	Approved
Hall County Emergency Management Agency and Emergency Preparedness Unit	Mass Casualty and Pandemic Influenza Seminar	4	Approved

**Other Business:**

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to suspend the license of Matthew L. Walker (FSA004572) for default on repayment of student loan and further moved that the suspension shall be lifted upon written notice from the Georgia Higher Education Assistance Corporation that the licensee has settled the default on the loan.

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Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to approve the request for the 1<sup>st</sup> 90-day grace period for the following:

FEST001588: Vance Brooks Funeral Home in Columbus, GA  
FEST000774: Horis W. Ward-Parkway Chapel in Forest Park, GA  
FEST001542: Maurice Myles & Son Funeral Home in Rome, GA  
FEST001424: Hubert C. Baker Funeral Home in Savannah, GA

Ms. Juanita Sellers Stone and Ms. Joan Sawyer had an unscheduled meeting with the Board to discuss the possibility of allowing Sellers Brothers Funeral Home to temporarily operate from the facilities of Lincoln Funeral Home. Ms. Sawyer represented Lincoln Funeral Home. Ms. Stone is requesting to operate temporarily from Lincoln Funeral Home for 90 days while she prepares to relocate Sellers Brothers to another location. After lengthy discussion, the Board expressed its willingness to allow her to temporarily operate from Lincoln Funeral Home, provided that a clear and distinct separation exists between the two establishments. The Board also suggested that, since she is only asking for 90 days to operate at Lincoln Funeral Home, she may want to consider working for Lincoln Funeral Home during this time period, instead of trying to establish a funeral home at the Lincoln Funeral Home building. Ms. Stone and Ms. Sawyer will apprise the Board of their decision.

Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to approve a 3<sup>rd</sup> 90-day grace period for Crosby Funeral Home (FEST001572) in Alma, GA.

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to accept the Order Accepting Fine Monies and close the cases on the following:

FEST000551: Tri Cities Funeral Home Inc. in Lithonia, GA  
FEST001664: Willie A. Watkins Funeral Home, Inc. in Douglasville, GA  
FEST001093: Edwards & Sons in Decatur, GA

Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to accept the Voluntary Cease and Desist Orders and close the cases on the following:

FEST000969: Mason Funeral Home in Commerce, GA  
CREM000023: Southern Cremation Service in Evans, GA

Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to approve the request by Roy D. Crosby to have his funeral director (FD002579) and embalmer's (EMB002357) licenses reinstated.

Mr. Hamby presented a proposed rule to be added to the Board rules. The proposed rule will be entitled Rule 250-7-.04 "Unlawful Acts". After the presentation, Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to post the new rule:

Rule 250-7-.04 Unlawful Acts.

- (1) It shall be unlawful for any funeral establishment, funeral director or embalmer to refuse to surrender immediately the custody of a dead human body to a legally authorized person upon request of that person, but the release

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of such body shall not constitute a release of any indebtedness or other claim owed for any legally authorized services performed on that body by the person releasing that body.

- (2) It shall be unlawful for any funeral establishment, funeral director or embalmer to refuse to surrender immediately the custody of cremated remains to a legally authorized person upon request of that person, but the release of such cremated remains shall not constitute a release of any indebtedness or other claim owed for any legally authorized services performed on that deceased body and/or cremated remains by the person releasing the cremated remains.
- (3) It shall be unlawful for any funeral establishment, funeral director or embalmer to intentionally delay or withhold the filing of a death certificate as a means to facilitate payment of any or all services rendered by the funeral establishment, funeral director or embalmer, but the prompt filing of a death certificate shall not constitute a release of any indebtedness or other claim owed for any legally authorized services performed on that deceased body and/or cremated remains by the person filing the death certificate.
- (4) It shall be unlawful to perform services for a charge - such as embalming, transportation, dressing and/or handling of the deceased, etc. - unless such services were requested by the legal next of kin, or as required by law.
  - a) any services and/or merchandise requested by the legal next of kin must be in compliance with those listed on the funeral establishment general price list, the casket price list, the outer burial price list, or the funeral service contract price list, and,
  - b) any services and/or merchandise requested by the legal next of kin must be itemized on a funeral service contract and this contract must be signed by the funeral director and the responsible party by the date of the funeral service, cremation, or ship-out. If the responsible party is not physically available to sign the itemized funeral contract by the time services are rendered, a copy of the itemized funeral contract may be faxed to the responsible party for their review and signature, and faxed back to the funeral establishment for inclusion in the funeral home files.

Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to cancel the November 13, 2007 meeting. The Board's next meeting will be on December 11, 2007.

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There being no further business, the meeting adjourned at 4:45 p.m.

**Minutes were approved at the December 11, 2007 meeting.**