

Georgia State Board of Funeral Service

Board Meeting

July 17, 2012

A meeting of the Georgia State Board of Funeral Service was held on July 17, 2012 at the Professional Licensing Boards office in Macon, GA. Chairman Thelon Hamby called the meeting to order at 10:10 a.m.

A quorum was established with members present being: Thelon Hamby, Chairman; Michael Fowler, Bryant Hightower, Terry Daviston, David Roach and Nancy Kennedy.

Others present were as follows: Steve Lindsey, Executive Director, Reagan Dean, Assistant Attorney General and Grechelle Blocker, Board Support Specialist.

Approval of Minutes:

Bryant Hightower moved, Michael Fowler seconded, and the Board unanimously voted to approve the minutes of the June 12, 2012 meeting.

Terry Daviston moved, Bryant Hightower seconded, and the Board unanimously voted to approve the Executive Session minutes of the June 12, 2012 meeting.

Applications:

Terry Daviston moved, Michael Fowler seconded, and the Board unanimously voted to ratify the licenses that were issued since the June 12, 2012 meeting.

EMB004782	Johnson, Ellery Jarvis
EMB004783	Cason, William Dean
EMB004784	Shaw, Tammie Yamada
EMB004785	Sowell, Adrien Danielle
EMB004786	Johnson, Chavous Bernard
EMB004787	Davis, Leslie Yvette
EMB004788	Adams, Amari Alexander
EMB004789	Piel, Duane Harris
FD005191	Johnson, Ellery Jarvis
FD005192	Shaw, Tammie Yamada
FD005193	Sowell, Adrien Danielle
FD005194	Davis, Leslie Yvette
FD005195	Adams, Amari Alexander
FD005196	Piel, Duane Harris
FEST001827	Neptune Management Corp
FEST001828	Wilkinson County Memorial Chapel
FEST001829	Crawford & Crawford LLC
FEST001830	Cox Funeral Home
FEST001831	McLeighton Funeral Service

FEST001832	McLeighton Funeral Service
FEST001833	McLeighton Funeral Service
FEST001834	Howard & Jones Funeral Home
FEST001835	Advantage Funeral & Cremation Services Conyers Chapel
FEST001836	Southern Cremations and Funerals at Cheatham Hill
FSA005418	Litesey, Taylor Clark
FSA005419	Rinehart, Calvin Gene
FSA005420	Queen, Chase Simmons
FSA005421	Harden, Gail Adams
FSA005422	Cook, Anthony Jason
FSA005423	Mayne, Richard Joseph
FSA005424	Morris, Eddie Tyler
FSA005425	Wells, Rickey Edward
FSA005426	Riggs, Heather Lynne
FSA005427	Mcrae, Donna Summerour
FSA005428	Youmans, Cilvetta Laconnia
FSA005429	Watson, Faith A
FSA005430	Parish, Cheryl Ann
FSA005431	Moore, Tanner Cole
FSA005432	Lewis, Ashley Shanae
FSA005433	Pollen, Leroy, III
FSA005434	Robbins, Kenya
FSA005435	McClain, Allie Kristine
FSA005436	Lawson, John Ragan
FSA005437	Johnson, Samuel Joseph
FSA005438	Waldron, Rocky Desmond
FSA005439	Wyatt, Chevalaus Johnta'
FSA005440	Pippin, Jo-Ann Ashley
FSA005441	Mlambo, Debra
FSA005442	Ingram, Kayla Arnold

Continuing Education:

Terry Daviston moved, Nancy Kennedy seconded, the Board unanimously voted to accept the committee recommendations on the following continuing education courses:

National Funeral Directors Association kwalczak@nfda.org			
Course	Previously Approved	Hours Requested	Hours Approved
Meet the Mentors	No	5	5
How Dress Code Policies are Good for Your Business	No	1	1
2012 All Staff FTC Funeral Rule Training(Home Study)	No	4	4
In the Blink of an Eye: Distracted	No	2	2

Driving and Your Business(Home Study)			
Building Comfortable Cash Flow for Your Funeral Home (Webinar) (Tabled from June)	No	1	1
Managing Cremation for Profitability (Webinar) (Tabled from June)	No	1	1
In The Blink of an Eye: Distracted Driving and Your Business (Webinar) (Tabled from June)	No	1	1
Order of the Golden Rule lkrabbenhof@ogr.org			
Course	Previously Approved	Hours Requested	Hours Approved
Creating a Great Payment Policy	No	1	1
Managing Your Funeral Home's Online Presence	No	1	1
Succession Planning	No	1	1
Invitational Roundtable	No	3	3
Selected Independent Funeral Homes info@selectedfuneralhomes.org			
Course	Previously Approved	Hours Requested	Hours Approved
2012 Annual Meeting	Yes	11.5	11.5
Aurora Casket Co. (Tabled from June Meeting) lrobinson@auroracasket.com			
The Balanced Cremation Arrangement	No	4	4
MKJ Marketing (Tabled from June Meeting) kcasey@mkjmarketing.com			
Communicating the Value of Service	No	12	12
Making Your Business Pay	No	12	12

Other Business:

Terry Daviston moved, Michael Fowler seconded, and the Board unanimously voted to approve the following request for a 90-day grace period to operate with licensed funeral directors while the establishment takes action to secure the services of a new Funeral Director in Full & Continuous Charge:

Guyton Brothers Funeral Home	Bainbridge, GA
Bynes-Royal Funeral Home, Inc.	Savannah, GA

Bryant Hightower moved, David Roach seconded, and the Board unanimously voted to approve the following request for 2nd 90-day grace period to operate with licensed funeral directors while the establishment takes action to secure the services of a new Funeral Director in Full & Continuous Charge:

- Roberson Funeral Home Statesboro, GA

The Board received as information notice of change of ownership from Sherrell Funeral Home in Jackson, GA, FEST000535. The establishment is now under legal ownership of Caring Is Our Business, LLC.

Committee Assignments:

Chairman Thelon Hamby made the following committee assignments:

Application Review Committee: Terry Daviston
Complaints Review Committee: Michael Fowler, Lauren McDonald
Continuing Education Review Committee: Nancy Kennedy, David Roach
Laws & Rules Committee: Bryant Hightower, David Roach

Chairman Thelon Hamby declared the meeting adjourned at 10:30 a.m. in order to open a public hearing for the adoption of posted rule amendments.

Public Hearing:

A public hearing was held to allow comments in consideration of proposed rule amendments. Proposed amendments to Rules 250-4-.03, 250-5-.03, and 250-5-.06 were posted in compliance with legal requirements. Chairman Thelon Hamby declared the hearing open at 10:30 a.m.

A quorum was established with members present being: Thelon Hamby, Chairman; Michael Fowler, Bryant Hightower, Terry Daviston, David Roach and Nancy Kennedy.

Others present were as follows: Steve Lindsey, Executive Director, Reagan Dean, Assistant Attorney General and Grechelle Blocker, Board Support Specialist.

No written comments were received by the Board office prior to the hearing. Alysia English with the Georgia Funeral Directors Association spoke on behalf of the association in favor of the proposed rule amendments. No further verbal comments were made concerning the proposed amendments.

Chairman Hamby declared the hearing adjourned at 10:36 a.m. and declared the scheduled Board meeting open. A quorum was again established with the following Board members present: Thelon Hamby, Chairman; Michael Fowler, Bryant Hightower, Terry Daviston, David Roach and Nancy Kennedy.

Adoption of Rule Amendments:

Rule 250-4-.03:

Michael Fowler moved, David Roach seconded, and the Board voted unanimously that the formulation and adoption of this proposed rule amendment does not impose excessive regulatory costs on any licensee or entity and any cost to comply with the proposed rule amendment could not be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-18-23; 43-18-41; 43-18-50; 43-18-51; 43-18-52; 43-18-53; and 43-18-54.

Michael Fowler moved, Terry Daviston seconded, and the Board voted unanimously that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-18-23; 43-18-41; 43-18-50; 43-18-51; 43-18-52; 43-18-53; and 43-18-54 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

David Roach moved, Terry Daviston seconded, and the Board voted unanimously to adopt the following rule amendment:

250-4-.03 Serving of Apprenticeship.

- (1) Hours and Duration. An apprenticeship period consists of 3,120 hours served in a time span of no less than eighteen months and no more than two renewal cycles as defined in O.C.G.A. § 43-18- 50(c). This period shall be measured from the date the application is approved by the Board. The eighteen-month minimum must be in addition to the time required to graduate from a college of funeral service accredited by the American Board of Funeral Service Education or such other college specifically approved by the Board. An apprentice shall be allowed to serve a maximum of four hours per day for credit towards completion of the apprenticeship period while enrolled in such college.
- (2) Business Hours. Regular business hours, for purposes of apprenticeship, means the hours between 8:00 A.M. and 10:00 P.M.
- (3) Sleeping. An apprentice may not count hours spent sleeping in a funeral establishment toward his/her hours of requirement, even if such time spent sleeping occurs during the regular business hours as defined in Rule 250-4-.03(2).

(4) Reports. Every six months, each apprentice shall furnish the details of the hours spent in employment as an apprentice on forms supplied by the Board. After completing the 3,120 hours for apprenticeship within the specified period, the apprentice shall send the last report to the Board regardless of the date. The information contained in the report shall be certified as correct by the funeral director in full and continuous charge and by the supervising funeral director and embalmer. The report will specify the number of bodies in the embalming of which the apprentice has assisted and the number of funerals in which the apprentice has assisted. This report shall be current and available for inspection.

Rule 250-5-.03:

David Roach moved, Michael Fowler seconded, and the Board voted unanimously that the formulation and adoption of this proposed rule amendment does not impose excessive regulatory costs on any licensee or entity and any cost to comply with the proposed rule amendment could not be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; and 43-18-42.

Bryant Hightower moved, Michael Fowler seconded, and the Board voted unanimously that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; and 43-18-42 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

Bryant Hightower moved, Michael Fowler seconded, and the Board voted unanimously to adopt the following rule amendment:

250-5-.03 Licensure by Endorsement: Embalmer.

The Board may, upon payment of the appropriate fee, issue without the requirement of taking the national examination an embalmer license to any person licensed as an embalmer by another State, territory, or country, or by the District of Columbia. An applicant for licensure as an embalmer by endorsement must successfully pass a written examination approved by the Board which test knowledge of the law of this state relating to funeral directors and must either:

- (a) satisfy the requirements listed in Rule 250-5-.01 above; or
- (b) hold a valid embalmer's license in a jurisdiction whose requirements for licensure as an embalmer are substantially equal to the requirements for licensure as an embalmer in Georgia.
- (c) An applicant who cannot meet the requirements of (a) or (b) in this rule may be issued a license as an embalmer by endorsement upon submission of documentation from an employer attesting that the applicant has been engaged in the active practice of funeral service as a licensed embalmer and funeral director for a minimum of three years immediately preceding the submission of an application for licensure in Georgia, in accordance with the provisions of O.C.G.A. § 43-18-42(a)(2). For the purposes of this rule, "immediately preceding" shall mean that the applicant must submit the appropriate application to the Board office within six months

of leaving the state in which he or she has been actively engaged in the active practice of funeral service.

Rule 250-5-.06:

Terry Daviston moved, David Roach seconded, and the Board voted unanimously that the formulation and adoption of this proposed rule amendment does not impose excessive regulatory costs on any licensee or entity and any cost to comply with the proposed rule amendment could not be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; and 43-18-42.

Terry Daviston moved, Michael Fowler seconded, and the Board voted unanimously that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-18-2; 43-18-23; and 43-18-42 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

Terry Daviston moved, Bryant Hightower seconded, and the Board voted unanimously to adopt the following rule amendment:

250-5-.06 Licensure by Endorsement Funeral Director.

The Board may, upon payment of the appropriate fee, issue without the requirement of taking the national examination a funeral director license to any person licensed as a funeral director by another State territory, or country, or by the District of Columbia. An applicant for licensure as a funeral director by endorsement must pass the Board-approved Jurisprudence Examination on Georgia law regarding funeral directing on or after January 1, 1991, and either:

- (a) satisfy the requirements listed in Rule 250-5-.04 above, or
- (b) hold a valid funeral director's license in a jurisdiction whose requirements for licensure as a funeral director are substantially equal to the requirements for licensure as a funeral director in Georgia.
- (c) no endorsement embalmer or funeral director license may be issued on the basis of another reciprocal or endorsement license.

(d) An applicant who cannot meet the requirements of (a) or (b) in this rule may be issued a license as a funeral director by endorsement upon submission of documentation from an employer attesting that the applicant has been engaged in the active practice of funeral service as a licensed embalmer and funeral director for a minimum of three years immediately preceding the submission of an application for licensure in Georgia, in accordance with the provisions of O.C.G.A. § 43-18-42(a)(2). For the purposes of this rule, "immediately preceding" shall mean that the applicant must submit the appropriate application to the Board office within six months of leaving the state in which he or she has been actively engaged in the active practice of funeral service.

Executive Session:

David Roach moved to enter into Executive Session to deliberate on applications, complaints, and investigations, as authorized by O.C.G.A. § 43-1-2 (k) and 43-1-19 (h). Terry Daviston seconded the motion. The motion was carried by Thelon Hamby, Chair; Michael Fowler, Bryant Hightower, Terry Daviston, David Roach, and Nancy Kennedy. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

Applications:

Terry Daviston moved, Michael Fowler seconded, and the Board unanimously voted to approve the following request for appointment as Funeral Director in Full & Continuous Charge:

Howard & Jones Funeral Home

FDFCC: Stacy Jones

Knox Funeral Home

FDFCC: Carl LeRhaun Powell

Michael Fowler moved, Terry Daviston seconded, and the Board voted to approve the following applicant for a new establishment.

Ellenberg Funeral Service

William Ellenberg, FDFCC

Sylvania Funeral Home of Savannah did not appear for their scheduled appointment.

Michael Fowler moved, Terry Daviston seconded, and the Board unanimously voted to approve the following applicant's change of ownership request:

(Old Name):

Smith Funeral Home, Blackshear, GA

(New Name):

Hart Funeral Home, Blackshear, GA

Michael Fowler moved, Terry Daviston seconded, and the Board voted to approve the following change of supervisor for Apprenticeship request for Marcia Davidson:

(Old Supervisor):

William Joseph Blasche

(New Supervisor):

Amanda H. Lucas

Terry Daviston moved, Michael Fowler seconded, and the Board unanimously voted to approve the following applications:

- | | |
|-----------------------------------|-----------------------------|
| ● Lucas Dylan Teague | Funeral Service Apprentice |
| ● Steven Hewlett Maples | Embalmer & Funeral Director |
| ● David Edwin Rousculp | Embalmer & Funeral Director |
| ● Emmett Harris Graham | Embalmer & Funeral Director |
| ● Danny Ray Gibson | Embalmer & Funeral Director |
| ● Pat Dixon: Reinstatement | Embalmer & Funeral Director |

Nancy Kennedy moved, Michael Fowler seconded, and the Board unanimously voted to table the following applications:

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| ● 1756703 | New Establishment |
| ● 1767057
1767064 | Embalmer
Funeral Director |

Terry Daviston moved, Michael Fowler seconded, and the Board unanimously voted to deny the following applications:

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| ● 1769010
1769013 | Embalmer
Funeral Director |
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Thelon Hamby moved, Michael Fowler seconded, and the Board unanimously voted to accept the Cognizant Member's recommendations on the following cases:

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|-------------|--|
| ● FUN120165 | Appear for interview in order to emphasize the importance of the role of FDFCC |
| ● FUN120179 | Ask the establishment to surrender their license or give explanation as to why they are closed |
| ● FUN120184 | Revoke apprenticeship as Respondent is in violation of OCGA 43-18-46(5), (21), & (23) |

- FUN120155 Close
- FUN120160 Close

There being no further business, the meeting adjourned at 1:32 p.m.

The next meeting of the Board will be on Tuesday, August 14, 2012.