

**BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,  
CEMETERIES AND BURIAL SERVICES**

**IN THE MATTER OF  
Bob Neal and Sons Brickell Funeral Home,  
A Type A Establishment  
Respondent**

**Case No. 19-22**

**CONSENT AGREEMENT AND LETTER OF REPRIMAND**

The above styled matter came before the Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (“Board”) on January 14, 2020. The Board is represented by Amanda Gibson, Associate Counsel. Respondent voluntarily waived its right to a hearing and consents to the entry of this Consent Agreement and Letter of Reprimand. The Board hereby finds and orders, by agreement between Respondent and the Board, as follows:

**GENERAL STIPULATIONS**

1. Respondent, having read the proposed Consent Agreement, acknowledge its right to consult with counsel, and enters into this Consent Agreement on its own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than expressly set forth herein.
2. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Agreement and Letter of Reprimand.
3. Respondent executes this Consent Agreement to resolve the pending matter, without further administrative action. Respondent agrees that the Board will review and determine whether to approve this Consent Agreement. Furthermore, Respondent agrees that should this

Consent Agreement not be approved by the Board, the presentation and consideration of this Consent Agreement by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of the matters involved herein at any subsequent hearing.

4. Respondent understands and agrees that the approval and entry of this Consent Agreement and Letter of Reprimand shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.

5. Respondent understands and acknowledges that this Consent Agreement and Letter of Reprimand and the Board's records concerning this matter are public records and are available to the public pursuant to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 *et seq.*

6. This Consent Agreement and Reprimand shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Chair of the Board or his designee.

#### **FINDINGS OF FACT**

1. On or around September 28, 2018, Respondent entered into an agreement with the complainant, Patricia Morris, to provide funeral services and merchandise for the deceased, De'Andra Arnold. The deceased was the victim of a murder.

2. The complainant is the deceased's mother.

3. The agreed upon price for all funeral services and merchandise was \$7,500. It was understood by the Respondent that the Crime Victims Reparations Board would likely reimburse Respondent for this amount at a later date.

4. A statement of goods and services was executed on September 28, 2018 by the parties for a total of \$7500. The statement contained only one cash advance item, a death certificate for the price of \$10.
5. The complainant paid \$1500 to the Respondent on or around October 4, 2018.
6. The funds received from the complainant were used by Respondent to purchase cash accommodation items after the statement of goods and services was executed by the parties. Receipts and canceled checks that were provided by Respondent showed that the cash advance items and services that were purchased were: flowers (\$331.50), programs (\$280.50), a cemetery plot (\$550), and grave opening and closing (\$350).
7. The statement of goods and services was not amended to reflect these cash accommodation items that were purchased after the statement was executed.
8. Funeral services were held on October 6, 2018.
9. There is no evidence that Respondent misappropriated any of the Complainant's funds.
10. Respondent was reimbursed \$7500 by the Crime Victims Reparations Board on May 19, 2019.

#### **CONCLUSIONS OF LAW**

1. Respondent's actions as set forth above in Findings of Fact 4 and 7 constitute a violation of Board Rule XII.2(c) requiring every funeral firm to give to persons making arrangements, a written statement to the extent then known, that states the amount involved for each of the cash accommodation items. This statement must be given prior to the rendering of services. Respondent's failure to give an accurate statement to the Complainant prior to the rendering of services is not compliant with this rule.

2. Respondent's actions as set forth above in Findings of Fact 4 and 7 constitute a violation of 16 C.F.R. § 453.2 (b)(5)(i)(B). That statute requires the statement of funeral goods and services to specifically itemize cash advance items. The statute further provides that if the prices are not then known or reasonably ascertainable, then a good faith estimate must be given and a written statement of the actual charges must be provided before the final bill is paid.

3. Respondent's actions as set forth above in Findings of Fact 4 and 7 constitute a violation of Board Rule XII.4, which requires funeral firms to comply with all requirements of the Federal Trade Commission as they apply to funeral service. Respondent's failure to comply with the FTC statute is not compliant with Rule XII.4.

### **ORDER**

**NOW THEREFORE**, on the basis of the foregoing and the waiver of the Respondent of its rights to a hearing and appeal under the Arkansas Administrative Procedure Act, Ark. Code Ann. §§ 25-15-201 *et. seq.*, the Board finds that the Respondent has consented to entry of this Agreement, Order, and Letter of Reprimand, and that the following Order is appropriate and in the public interest.

**IT IS HEREBY ORDERED** that Respondent be sanctioned with a Letter of Reprimand. The Letter is attached hereto as Exhibit A.

**IT IS SO ORDERED, DIRECTED AND AGREED TO AS OF THE 14<sup>th</sup> DAY OF JANUARY, 2020.**

  
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**BILL BOOKER**

**CHAIR, STATE BOARD OF  
EMBALMERS, FUNERAL  
DIRECTORS, CEMETERIES AND  
BURIAL SERVICES**

*Bob Neal*

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**Bob Neal on behalf of  
Bob Neal and Sons Brickell Funeral Home,  
Respondent**

# Arkansas Insurance Department

Asa Hutchinson  
Governor



Allen Kerr  
Commissioner

January 14, 2020

Mr. Bob Neal  
Bob Neal and Sons Brickell Funeral Home

**Re: Case No. 19-22**

Dear Mr. Neal:

## LETTER OF REPRIMAND

In accordance with the laws governing funeral establishments, Ark. Code Ann. § 17-29-301 *et seq.*, the Board has determined that a Letter of Reprimand is the appropriate resolution for the above referenced matter. Pursuant to Ark. Code Ann. § 17-29-311(a), the Board may issue a letter of reprimand for acts of omission.

As you know, Patricia Morris filed a complaint against your funeral home after your staff provided funeral services and merchandise. Specifically, Ms. Morris was upset that the \$1500 she paid did not go toward the \$7500 agreed upon price, but rather, was spent in addition to the \$7500 agreed upon price. The complainant was also upset that an accounting of the spending of the \$1500 was not provided to her. Further, the statement of goods and services did not accurately reflect the cash accommodation items, in violation of Board Rule XII and the FTC statute, 16 C.F.R. § 453.2(b)(5)(i)(B).

The Board holds funeral establishments to a high degree of accountability. Therefore, if the Board receives any complaints against the funeral home in the future, this matter will be considered along with any other violations, when assessing possible disciplinary action against the establishment license held by Brickell Funeral Home.

Sincerely,

A handwritten signature in blue ink, appearing to read "Allie", is written over a light blue background.

Amanda Gibson  
Counsel for the Board of Embalmers,  
Funeral Directors, Cemeteries, and  
Burial Services

EXHIBIT

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