

Arkansas Insurance Department

Asa Hutchinson
Governor



Allen Kerr
Commissioner

September 18, 2019

Via First Class Mail and Certified Return Receipt No. 7019 0140 0000 8605 6568

Mr. Phillip Mink
142 Disney St.
Hot Springs, AR 71913

Re: Case No. 19-23

Dear Mr. Mink:

Enclosed please find the Findings of Fact, Conclusions of Law, and Order entered by the Board. These findings will allow you to register as an Apprentice Funeral Director and Apprentice Embalmer. If you have any questions, feel free to contact me.

Sincerely,



Amanda Gibson
Associate Counsel
Legal Division

Enc.

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

**IN THE MATTER OF
Phillip Blake Mink, Applicant for Apprentice
Funeral Director and Apprentice Embalmer, Respondent**

Case No. 19-23

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (the "Board") on September 17, 2019, at the Arkansas Insurance Department, First Floor Hearing Room, 1200 W. 3rd St., Little Rock. The Respondent, Phillip Blake Mink, appeared. Amanda Gibson, Associate Counsel at the Arkansas Insurance Department appeared on behalf of the Board. Finding proper notice was given to the Respondent, the Board, from all the evidence presented, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent is currently employed at Gross Funeral Home in Hot Springs, Arkansas.
2. On or around July 31, 2019, Respondent submitted applications for registration as an apprentice funeral director and apprentice embalmer.
3. In 2009, Respondent was convicted in Tennessee of possession of a controlled substance, a felony. Respondent disclosed this conviction on his application.
4. In 2016, Respondent pled guilty in Poinsett County, Arkansas, to a felony drug charge for which he received a term of sixty months' probation. Respondent did not disclose this conviction on his application. However, Respondent, in his testimony, clarified that the reason he did not

reference the 2016 conviction is because he thought the Board would learn of that conviction from the criminal history report it received from Arkansas State Police.

5. Respondent is currently on probation for his 2016 conviction. Respondent's probation will conclude on December 2, 2021.

CONCLUSIONS OF LAW

1. Respondent's convictions, as set forth in the Findings of Fact 3 and 4 above, constitute a violation of Ark. Code Ann. § 17-29-302(a)(6)(A) in that Respondent's felony convictions prevent him from being able to pass the State Police criminal background check.

2. Respondent's convictions, as set forth in the Findings of Fact 3 and 4 above, constitute a violation of Ark. Code Ann. § 17-29-301(a)(8)(A) in that Respondent's felony convictions prevent him from being able to pass the State Police criminal background check.

ORDER

Based upon the testimony and evidence presented at the hearing, the Board hereby orders that Respondent Phillip Mink's applications to register as an Apprentice Funeral Director and Apprentice Embalmer, notwithstanding his felony convictions, is **GRANTED**.

Respondent's apprenticeships are granted, and both apprenticeships will be on probation until December 2, 2021.

The following conditions apply during the probationary period:

1. The probationary period will end simultaneously with Respondent's release from probation through the Arkansas Department of Community Correction.
2. Respondent shall submit to the Board, copies of the results of all drug screens that he undergoes while he is on probation.
3. Respondent shall not engage in any activity that results in criminal charges being filed.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, the Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court of the county in which he resides or does business, or in the Circuit Court of Pulaski County, within thirty (30) days after service of this Order.

IT IS SO ORDERED THIS 17TH DAY OF SEPTEMBER, 2019.

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

By:

A handwritten signature in black ink, appearing to read 'AG', is written over a horizontal line.

Amanda Gibson
Counsel for the Board