

Arkansas Insurance Department

Asa Hutchinson
Governor



Alan McClain
Commissioner

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

**IN THE MATTER OF
Christopher D. Ross, a licensed Funeral Director,
Board ID # 22249,
Respondent**

Case No. 19-33

Mr. Christopher Ross
10000 W. Markham
Apt. 2
Little Rock, AR 72205

Via Certified Return Receipt 7019 0140 0000 8605 9064; and First Class Mail

August 27, 2020

Dear Mr. Ross:

Please find the following Amended Notice of Public Hearing on the complaint filed against you:

AMENDED NOTICE OF PUBLIC HEARING

You are advised that an administrative hearing will take place on October 20, 2020 at 9:00 a.m. at an official meeting of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, in the Diamond Mine Room on the 2nd Floor of the Department of Commerce, located at 1 Commerce Way, Little Rock, AR 72202. The hearing will be held before the Board concerning the following matters. The Hearing is your opportunity to defend yourself against the

following allegations, and for the Board to make a determination with regard to your funeral director and embalmer licenses, and the funeral home's establishment license.

ALLEGATIONS

1. Respondent Ross is a licensed funeral director and owner of a Type D Transport Service, TLC Mortuary Transport.
2. At all times relevant hereto, Respondent was employed at Paradise Funeral Home of Arkansas ("Paradise").
3. On October 25, 2019 a complaint was filed against Respondent by Angela Winston.
4. Ms. Winston alleged that she paid Respondent \$1,086.50 for a deposit on a headstone, which Respondent never delivered. The decedent in this matter is O.C. Winston.
5. Paradise refunded the money to the complainant.
6. Respondent wrote a check for \$1,086.50 to reimburse Paradise. However, that check was returned for insufficient funds.
7. Paradise ultimately paid the cemetery \$2,149.18 for the headstone.
8. On December 2, 2019, a complaint was filed against Respondent by Will Small.
9. Mr. Small alleged that he paid Respondent \$975.00 for a headstone, which Respondent never delivered.
10. Upon information and belief, no refund was issued to Mr. Small either from Respondent or Paradise.
11. Paradise identified other consumers who were victims of Respondent. Paradise made reimbursements as follows:
 - a. Family of Keith Adams: Respondent collected \$1,400.00 from the family and Paradise paid the cemetery \$1,000.00 for the headstone.

b. Family of Barron Adams: Respondent collected \$1,400.00 from the family and Paradise paid the cemetery \$1,000.00 for the headstone.

c. Family of Beverly Tripp: Paradise reimbursed the family \$1950.00 for the headstone.

d. Family of Thomas Everett: Respondent collected \$1,500.00 from the family. It is unknown whether Paradise reimbursed the family.

12. Respondent's response to the complaint was submitted two days after the deadline.

APPLICABLE LAWS

1. Pursuant to Ark. Code Ann. § 23-61-1103(a)(11)(A), the Board has jurisdiction to “conduct hearings and subpoena witnesses, books, and records in connection with alleged violations of this subchapter, relevant laws, and the rules or orders of the board.”

2. Ark. Code Ann. § 17-29-311(a) authorizes the Board to “issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of embalming or funeral directing, or may place the holder thereof on a term of probation after proper hearing upon finding the holder of the license to be guilty of acts of commission or omission, including the following: (2) Misrepresentations made or fraud committed as a holder of a license”.

3. Ark. Code Ann. § 17-29-311(a)(18) and Board Rule XV.4 require licensees to respond to a complaint within fifteen days of receipt of the complaint.

CHARGES

1. Respondents' actions, as set forth in Allegations 4, 6, 9 and 11, wherein Respondent collected funds from consumers and failed to provide goods or services or to refund the monies, violate Ark. Code Ann. 17-29-311(a)(2).

2. Respondents' actions as set forth in Allegation 12 violates Ark. Code Ann. § 17-29-311(a)(18) and Board Rule XV.4 in that the response to the complaint was not timely filed.

TIME AND PLACE OF HEARING

You are hereby notified that the Board will hold a hearing on the allegations set out above, on October 20, 2020 at 9:00 a.m. in the Diamond Mine Room on the 2nd Floor of the Department of Commerce, located at 1 Commerce Way, Little Rock, AR 72202.

The hearing will be conducted pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 *et seq.* You may appear in person, be represented by counsel, and offer witnesses, affidavits, or documentary evidence in response to the allegations contained herein.

You are hereby notified that a continuance will be granted only for good cause and must be requested at least seven (7) days in advance. If you fail to appear at the hearing without first obtaining a continuance, the Board will conduct a hearing in your absence.

You are also notified that all evidence, including any documents, and any oral testimony which the Board determines to be relevant, shall be introduced on the day of the hearing. No additions will be permitted, nor will the record be allowed to be supplemented after the hearing is concluded.

Sincerely,



Amanda Gibson
Associate Counsel
Arkansas Insurance Department

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