

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

IN THE MATTER OF:

**OAKLAWN CEMETERY,
LICENSE NO. 11844**

CASE NO. 19-PCC020

ORDER APPROVING APPLICATION TO TRANSFER OWNERSHIP

The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (“Board”) held a meeting on September 17, 2019. Among the matters considered was an application submitted by Renee Clay-Circle on behalf of Tri-County Funeral Homes, L.L.C. (“Tri-County”). The application seeks to transfer ownership of Oaklawn Cemetery (“Oaklawn”) from Rex of Hardy, Inc. to Tri-County. Peggy Long appeared on behalf of Tri-County. Upon consideration of the statements made and all other matters presented, the Board hereby finds and concludes:

FINDINGS OF FACT

1. Oaklawn is a perpetual care cemetery located in Highland, Sharp County, Arkansas. Oaklawn is licensed by the Board as a perpetual care cemetery defined by the Cemetery Act for Perpetually Maintained Cemeteries, codified at Ark. Code Ann. § 20-17-1001, *et seq.*
2. Oaklawn is currently owned and controlled by Rex of Hardy, Inc.
3. Tri-County filed an Application for Change of Ownership of Oaklawn on or around July 12, 2019, in which it seeks authority to transfer ownership of the cemetery to Tri-County.

4. The application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1012, and the Board's Rule 12. The application also meets all statutory and regulatory requirements necessary for the change of ownership of a perpetual care cemetery.

5. Tri-County requested a waiver of the application fee.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 20-17-1012(b)(1)(A) and the Board's Rule 12, when there is a proposal to change the controlling interest or ownership of a perpetual care cemetery or any cemetery company, the cemetery company that holds the current permit and the individual or organization proposing to gain the controlling interest shall file an application for the issuance of the new permit. Oaklawn and Tri-County have complied with these provisions.

2. Ark. Code Ann. § 20-17-1012 and Rule 12 also requires the application to contain various statements, documents, and other information necessary to provide justification for the amendment of the permit. Tri-County has complied with these provisions.

3. Ark. Code Ann. § 20-17-1012(b)(2)(A) requires the applicant for a transfer of ownership to pay a \$1,500.00 fee. At the meeting on September 17, 2019, the Board declined to waive the fee. As such, Tri-County has now submitted the fee to the Board as part of the application.

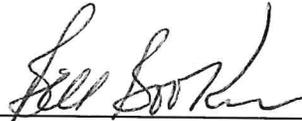
4. Pursuant to the Board's Rule 12.07, should the Board determine that the seller or transferor and the purchaser or transferee have complied with the statutes and rules, then the Board shall order that a new permit be issued. The new permit shall supersede the old permit.

ORDER

IT IS HEREBY ORDERED that the application to transfer ownership of Oaklawn Cemetery is APPROVED to show Tri-County, L.L.C. as the owner. Funeral Services Division staff is authorized to issue the new permit to Tri-County, L.L.C. The new permit shall supersede

the existing permit. Tri-County is ordered to record the new permit with the Sharp County Clerk's office, and to mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED, this 20th day of September, 2019.



BILL BOOKER

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