

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
Timeless Funeral Home, L.L.C.
Board ID # 20449,
Michael McKinzie, Board ID #21902, and
Consuela McKinzie, an unlicensed person,
Respondents**

Case No. 20-15

TEMPORARY SUSPENSION ORDER

On May 13, 2020, the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (the "Board") met and determined that pursuant to Ark. Code Ann. § 17-29-307(c), that the public health, safety or welfare required the immediate action of temporarily suspending the following licenses:

Timeless Funeral Home, L.L.C., a Type A Establishment ("Timeless"); and
Michael McKinzie, a dually licensed Funeral Director and Embalmer.

The facts and law supporting the Board's determination are stated in the Notice of Public Hearing enclosed herewith. The licenses are temporarily suspended pending the hearing. IT IS SO ORDERED this 13th day of May, 2020.

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

By:

A handwritten signature in black ink, appearing to read "Bill Booker", written over a horizontal line.

**Bill Booker
Chairman**

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Mr. Michael McKinzie
Ms. Consuela McKinzie
Timeless Funeral Home
112 S. Washington St.
DeWitt, AR 72042

Via Certified Return Receipt 7019 0140 0000 8605 6643; and First Class Mail

May 14, 2020

Dear Mr. and Ms. McKinzie:

Please find the following Notice of Public Hearing regarding you and the establishment:

NOTICE OF PUBLIC HEARING

You are advised that an administrative hearing will take place on May 19, 2020 at 9:00 a.m. at an official meeting of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, in cafeteria/restaurant area on the 1st Floor of the Department of Commerce building, 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 Michael McKinzie is the manager of Timeless Funeral Home, and he is licensed as a funeral director and an embalmer.
2. Respondent Consuela McKinzie is not licensed by this Board.
3. Respondent Timeless Funeral Home is licensed as a Type A Establishment.
4. The Board opened an investigation into the Respondents after receiving a call from another funeral home that also operates a crematory.
5. That funeral home had questions about the information that was contained on the death certificates of three decedents whose remains were sent to the crematory for cremation.
6. The death certificate of the first decedent, Sammy White, purportedly bore the signature of the Coroner. The coroner stated in writing that he did not sign the death certificate. Furthermore, the time of death was inaccurate as listed.
7. The death certificate of the second decedent, Delois Young, inaccurately stated the date, place, and time of death, and that Michael McKinzie had embalmed the remains. It also purportedly bore the signature of the physician who certified the death; however, the physician did not actually sign the death certificate.
8. Much of the information on the death certificate of Delois Young was identical to the information on the death certificate of another decedent, Delmarie Noble. The identical information on these two death certificates is: date of birth, place of birth, address, place of death, mother's name, father's name, and cause of death.

9. The death certificate of the third decedent, Brystal May, inaccurately listed the place of death, and purportedly bore the signature of the physician who certified the death; however, the physician stated in writing that the signature was not his.

10. Timeless' establishment license, and Michael McKinzie's funeral director and embalmer licenses were temporarily suspended on May 13, 2020.

APPLICABLE LAWS

1. Pursuant to Ark. Code Ann. § 23-61-1103(a)(11)(A), the Board has authority 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...(14) Knowingly making a false statement on a certificate of death..."

CHARGES

1. Respondents' actions, as set forth in Allegations 6 through 9, in making fraudulent and/or inaccurate statements on death certificates, is in violation of Ark. Code Ann. § 17-29-311(a)(2).

2. Respondents' actions as set forth in Allegations 6 through 9, in making fraudulent and/or inaccurate statements on death certificates, is in violation of Ark. Code Ann. § 17-29-311(a)(14).

TIME AND PLACE OF HEARING

You are hereby notified that the Board will hold a hearing on the allegations set out above, on May 19, 2020 at 9:00 a.m. in the cafeteria/restaurant area on the 1st Floor of the Department of Commerce building, 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 as soon as possible. You can call me directly at (501) 371-2836 to request a continuance. If you fail to appear at the hearing without first obtaining a continuance, the Board will conduct the 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