

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

**IN THE MATTER OF
Jonathan Ballard, Applicant for Apprentice
Funeral Director and Embalmer, Respondent**

Case No. 20-31

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 November 17, 2020, in the Diamond Mine on the 2nd Floor of the Department of Commerce building, located at 1 Commerce Way, Little Rock, AR 72202. The Respondent, Sean Daniels, appeared. Amanda Gibson, Associate Counsel, Arkansas Insurance Department, appeared on behalf of the Board. The Board, from all the evidence presented, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent is employed at Wilson Funeral Homes, which has locations in Blytheville, Osceola and Tyronza.
2. On October 26, 2020, Respondent submitted an application for registration as an apprentice funeral director.
3. Also on October 26, 2020, Respondent submitted an application for registration as an apprentice embalmer.
4. In 2010, Respondent pled guilty to theft of property, a class B Felony.
5. Also in 2010, Respondent pled guilty to hot checks, a class C Felony.
6. In 2015, Respondent pled guilty to forgery in the second degree, a class C Felony.
7. Respondent waived notice of the hearing via certified mail.

8. Respondent waived the requirement that he be given twenty (20) days' notice of the hearing.

CONCLUSIONS OF LAW

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

2. Respondent's actions, as set forth in Findings of Fact 4 through 6 above, constitute a violation of Ark. Code Ann. § 17-29-301(a)(8)(A) in that the felony convictions prevent him from being able to pass the State Police criminal background check required of embalmers.

ORDER

Based upon the testimony and evidence presented at the hearing, the Board hereby orders that Respondent Jonathan Ballard's request to waive his prior felony convictions is **GRANTED**. Therefore, Respondent is approved to register as an Apprentice Funeral Director and Apprentice Embalmer, notwithstanding his felony convictions.

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 NOVEMBER, 2020.

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

By:



Amanda Gibson
Counsel for the Board