

BEFORE THE ARKANSAS CEMETERY BOARD

Case No: C-08-039

IN THE MATTER OF:

**CAVE HILL CEMETERY No. 2
HOPE, ARKANSAS**

ORDER NO. C-08-039-08-OR01

ORDER

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on March 26, 2008, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 4 of the Arkansas Cemetery Board Rules. The Board considered a complaint by Ms. Charleen Hale (“Hale”) against Cave Hill Cemetery No. 2 (“Cave Hill Cemetery”) located in Hope, Arkansas. Hale appeared in person. Appearing in person and on behalf of Cave Hill Cemetery was Sabrena Chambers (“S. Chambers”). Upon consideration of the testimony of the witnesses, the exhibits, and all other matters presented, the Board hereby finds and concludes:

FINDINGS OF FACT

1. Cave Hill Cemetery is a perpetual care cemetery in Hope, Arkansas, within the meaning of the Cemetery Act for Perpetually Maintained Cemeteries, (“Act”) Ark. Code Ann. § 20-17-1001 through § 20-17-1029.
2. Cave Hill Cemetery is owned and controlled by S. Chambers and Andrew Chambers.
3. On January 30, 2008, the Board received a letter of complaint from Hale alleging that Cave Hill Cemetery failed to properly convey cemetery lots purchased by Hale. It was further alleged that Cave Hill Cemetery failed to comply with the record keeping provisions of the Act.

4. Cave Hill Cemetery answered the letter of complaint on February 11, 2008, denying the allegations of improper record keeping. After receipt of the complaint, Cave Hill Cemetery conveyed a deed to the cemetery lot to Hale. A copy of the cemetery lot deed was presented to the Board.

5. S. Chambers appeared before the Board on behalf of Cave Hill Cemetery. S. Chambers acknowledged a failure to provide the cemetery lot deed to Hale after the purchase and further denied any allegations of improper record keeping. Hale was not present during S. Chambers's appearance.

6. After S. Chambers appeared and responded to the issues alleged in the complaint, the Board took no action. S. Chambers left the quarterly meeting. Shortly thereafter, Hale appeared. The Board allowed Hale to present additional information regarding the purchase by Hale of cemetery lots in Cave Hill Cemetery, including testimony that she was not presented with a copy of the rules and regulations of the Cave Hill Cemetery upon purchase of a cemetery lot.

CONCLUSIONS OF LAW

7. The Board is authorized to conduct reasonable, special, or other examination of any cemetery or cemetery company, including, but not limited to, an examination of the books and records of the cemetery. Ark. Code Ann § 20-17-1006(1).

8. A cemetery company is required to issue an instrument of conveyance or deed for a burial lot or plots to a purchaser. Ark. Code Ann. § 20-17-1019(a).

9. A cemetery company is required to maintain books and records that meet the requirements of Rule 17 of the Cemetery Board Rules and Ark. Code Ann. §20-17-1022.

ORDER

The Board found no specific violations of the Act, however, the Board requested the Staff of the Arkansas Securities Department conduct a physical examination of Cave Hill Cemetery, which shall include, but is not limited to, an examination of the books and records of the cemetery company including the form of the instrument of conveyance utilized by the Cave Hill Cemetery and the rules and regulations of Cave Hill Cemetery.

ARKANSAS CEMETERY BOARD



BETTY FINLEY
Chairperson

4/17/08 (ms)



A. HEATH ABSHURE
Secretary