

**BEFORE THE ARKANSAS CEMETERY BOARD
CASE NO. C-13-0145**

IN THE MATTER OF:

**MAPLEWOOD CEMETERY and
ROSE HILL CEMETERY;
HARRISON, ARKANSAS**

ORDER NO. C-13-0145-13-OR01

ORDER APPROVING APPLICATION FOR PERMIT

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on March 14, 2013, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 5 of the Rules of the Arkansas Cemetery Board. Among the matters considered was a request by the City of Harrison (“Applicant”) to approve an application for a perpetual care permit for Maplewood Cemetery and Rose Hill Cemetery in Harrison, Arkansas. 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. As ordained by the City Council of Harrison, Arkansas, Maplewood Cemetery and Rose Hill Cemetery are perpetual care cemeteries operated by the City of Harrison.
2. Maplewood Cemetery and Rose Hill Cemetery were created in 1908, and the Harrison Cemeteries Perpetual Care Fund was established on August 1, 1983.
3. The Applicant filed its application for a perpetual care cemetery permit on September 24, 2013.
4. The Applicant requested waivers from the Board because Maplewood Cemetery and Rose Hill Cemetery were already in existence and being ran as perpetual care cemeteries by the City of Harrison prior to the filing of an application for a perpetual

care cemetery permit. The Board granted a motion to waive certain requirements of Ark. Code Ann. § 20-17-1008 and Rule 8 of the Rules of the Arkansas Cemetery Board.

5. Other than those provisions that have been waived, the Applicant has submitted all other documents and information required for the issuance of a perpetual care cemetery permit, pursuant to Ark. Code Ann. § 20-17-1008 and Rule 8 of the Rules of the Arkansas Cemetery Board and meet all statutory and regulatory requirements necessary for approval of the permit.

CONCLUSIONS OF LAW

8. It is unlawful for any person to operate all or part of a cemetery as a perpetual care cemetery or permanent maintenance cemetery without holding a valid permit issued by the Board. Ark. Code Ann. § 20-17-1018(a).

9. An application for a permit to operate a perpetual care cemetery must contain various statements, documents, and other information necessary to provide justification for the permit. Ark. Code Ann. § 20-17-1008(b) and Rule 8 of the Rules of the Arkansas Cemetery Board.

10. Ark. Code Ann. § 20-17-1008(c) requires an application for a permit to operate a perpetual care cemetery be filed not less than twenty days prior to the Board meeting at which the application is to be considered.

ORDER

IT IS HEREBY ORDERED that the application to operate a perpetual care cemetery is appropriate and should be approved. It is further ordered that the City of

Harrison deposit no less than twenty percent of the gross sales price of lot sales to the perpetual care fund for each such paid-in-full burial space contract sold in Maplewood Cemetery or Rose Hill Cemetery.

IT IS SO ORDERED.

Dated this 4th day of December 2013.

ARKANSAS CEMETERY BOARD



G. William "Bill" Booker, II
Chairperson



A. Heath Abshure
Secretary