

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

IN THE MATTER OF:

**RESTHAVEN MEMORIAL PARK,
LICENSE NO. 11813**

CASE NO. 19PCC-029

ORDER APPROVING APPLICATION TO TRANSFER OWNERSHIP

The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (“Board”) held a meeting on January 14, 2020. Among the matters considered was an application submitted by Malvern Funeral Home and Cemetery, Inc. (“Malvern”) and Rorie Property Management, L.L.C. (“Rorie”). The application seeks to transfer ownership of Resthaven Memorial Park (“Resthaven”) from Malvern to Rorie. L. Guy Dillahunty appeared on behalf of Malvern, and Jeffrey Rorie and Michelle Rorie appeared on behalf of Rorie. Upon consideration of the statements made and all other matters presented, the Board hereby finds and concludes:

FINDINGS OF FACT

1. Resthaven is a perpetual care cemetery located in Malvern, Hot Spring County, Arkansas. Resthaven 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. Resthaven is operated by Malvern.
3. Malvern and Rorie filed an Application for Change of Ownership of Resthaven on or around August 21, 2019, in which they seek authority to transfer ownership of the cemetery to Rorie Property Management, L.L.C.

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.

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. Malvern and Rorie have complied with these provisions.

2. Pursuant to 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 Resthaven Memorial Park is APPROVED. Funeral Services Division staff is authorized to issue the new permit to Rorie, which shall supersede the existing permit. Rorie is ordered to record the new permit with the Hot Spring County Clerk's office, and to mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED, this 14th day of January, 2020.



BILL BOOKER

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