

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

**IN THE MATTER OF  
Davis-Strickland Funeral Home, Board ID #20397  
And Matthew Strickland, Board ID #21027,  
Respondents**

**Case No. 18-11**

**CONSENT AGREEMENT**

The matter of Davis-Strickland Funeral Home and Matthew Strickland came before the Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (“Board”) on May 7, 2019. The Board is represented by Amanda Gibson, Associate Counsel. Respondents voluntarily waived their right to a hearing and consent to the entry of this Consent Agreement. The Board hereby finds and orders, by agreement between Respondents and the Board, as follows:

**GENERAL STIPULATIONS**

1. Respondents, having read the proposed Consent Agreement, acknowledge their right to consult with counsel, and enter into this Consent Agreement on their own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than expressly set forth herein.
2. Respondents hereby waive any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Agreement.
3. Respondents execute this Consent Agreement to resolve the pending matter, without further administrative action. Respondents agree that the Board will review and determine

whether to approve this Consent Agreement. Furthermore, Respondents agree that should this Consent Agreement not be approved by the Board, the presentation and consideration of this Consent Agreement by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of the matters involved herein at any subsequent hearing.

4. Respondents understand and agree that the approval and entry of this Consent Agreement shall not preclude additional proceedings by the Board against Respondents for acts or omissions not specifically addressed herein.

5. Respondents understand and acknowledge that this Consent Agreement and the Board's records concerning this matter are public records and are available to the public pursuant to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 *et seq.*

6. This Consent Agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Chair of the Board or his designee.

#### **FINDINGS OF FACT**

1. On July 2, 2018, the Respondents' general liability insurance coverage was cancelled because of nonpayment of premium.

2. Board staff received notice of the cancellation on July 19, 2018. Staff subsequently attempted to work with Respondents in order to resolve the issue, but those attempts were unsuccessful.

3. Board staff initiated a formal complaint on August 28, 2018.

4. The reason given for the cancellation was that the Respondents did not pay the premium because they felt the amount was too high.

5. On September 10, 2018 Board staff received a copy of the certificate of coverage, effective as of that date.
6. Respondents currently have coverage until September 10, 2019.
7. Four funerals were conducted between July and September 2018 when Respondents did not have insurance coverage in place.
8. Respondents failed to timely renew the establishment, funeral directors, and embalmers licenses for the years 2016, 2017, and 2018. Those renewals were received by Board staff in January 2017, February 2018, and January 2019.
9. All delinquent fees were included with those renewals.
10. In January 2017, three funerals were conducted before the licenses were renewed.
11. In January 2018, two funerals were conducted before the licenses were renewed.
12. In January 2019, one funeral was conducted before the licenses were renewed.
13. On August 12, 2017, Respondents' insurance coverage was cancelled for nonpayment of premium.
14. Coverage was not obtained until March 3, 2018.
15. Eleven funerals were conducted between August 2017 and March 2018, during a time when Respondents did not have insurance coverage in place.
16. In total, six funerals were conducted on expired licenses and fifteen funerals were conducted during a time when there was no insurance coverage in place.

#### **CONCLUSIONS OF LAW**

1. Respondents' actions as set forth above in Findings of Fact 1, 4, 13, 14, and 15 constitute a violation of Ark. Code Ann. § 17-29-304(i)(1) in that Respondents failed to provide proof of insurance coverage.

2. Respondents' actions as set forth above in Findings of Fact 8, 10, 11, and 12 constitute a violation of Ark. Code Ann § 17-29-306(a) as to the embalmer and funeral director licenses, and § 17-29-306(b) as to the establishment license.

3. Respondents' actions as set forth above in Finding of Fact 8, 10, 11, and 12 also constitute a violation of Board Rules IV.1.(1), IV.2.(c)(1) and IX.2.

### **ORDER**

**NOW THEREFORE**, on the basis of the foregoing and the waiver of the Respondents of their right to a hearing and appeal under the Arkansas Administrative Procedure Act, Ark. Code Ann. §§ 25-15-201 *et. seq.*, the Board finds that the Respondents have consented to entry of this Agreement and Order and that the following Order is appropriate and in the public interest.

#### **IT IS HEREBY ORDERED:**

1. That Respondents shall pay a monetary penalty of \$1,000.00, within 60 days of the date of this Consent Agreement.

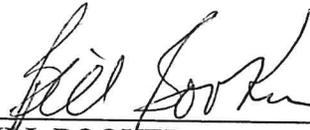
2. That Matthew Strickland shall be removed as manager of the funeral home and that Shannon Strickland shall be designated as the manager.

3. That Respondents' establishment license is placed on probation for the term of one year.

4. That upon discovery of any future lapses or cancellations of insurance coverages, the Board will set the matter for a hearing at the next regularly scheduled meeting.

5. That upon the remittance of any future delinquent renewals, that the Board will set the matter for a hearing at the next regularly scheduled meeting.

IT IS SO ORDERED, DIRECTED AND AGREED TO AS OF THE <sup>16<sup>th</sup></sup> 7<sup>th</sup> DAY OF  
MAY, 2019.



---

BILL BOOKER

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



---

MATTHEW STRICKLAND  
Respondent

---

SHANNON STRICKLAND  
Respondent

IT IS SO ORDERED, DIRECTED AND AGREED TO AS OF THE <sup>16<sup>th</sup></sup> 7<sup>th</sup> DAY OF  
MAY, 2019.

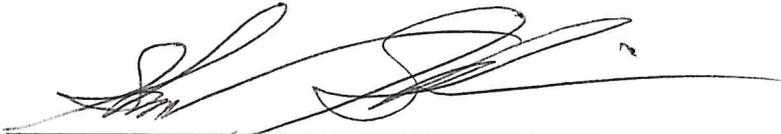
---

**BILL BOOKER**

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

---

**MATTHEW STRICKLAND**  
Respondent

A handwritten signature in black ink, appearing to read 'M. Strickland', written over a horizontal line.

---

**SHANNON STRICKLAND**  
Respondent