

**Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services
Board Meeting Minutes**

Tuesday, December 4, 2018
1200 West Third Street
1st Floor Hearing Room
Little Rock, AR
9 a.m. – 2:50 p.m.

Chairman Bill Booker called the meeting to order. Members present: Billy Curl, Professional Member, Rausch Hodges, Professional Member, Stephanie Neipling, Consumer Member, Josephine Perry, Senior Citizens Member, and Steve Whitwell, Professional Member and Vice-Chair. Member(s) absent: Commissioner, Allen Kerr, Chuck Dearman, Professional Member, and Bruce Smithson, Professional Member. Staff Present: Robert Akers, Director, Funeral Services Division, Amy Goode, Executive Secretary, Lorin Hillery, Auditor, Leslie Stokes, Inspector, Amelia Vestal, Senior Securities Examiner, and Amanda Gibson, Arkansas Insurance Department, Associate Counsel.

1. **Call to Order** – Introduction of Board members and staff.

2. **Approval of the Agenda**

Chairman Booker inquired if there were any desire to change or deviate from the proposed agenda. Hearing none, the Board preceded with the agenda as prepared by staff.

3. **Bill Wussick – Arkansas State Veterans Cemetery - North Little Rock Expansion Operations.**

Mr. Wussick wanted to bring awareness to the industry about the expansion at the cemetery. It will be done in phases, enhancing the quality of service they provide. They will remain open throughout the project. Mr. Wussick also mentioned that he was aware of at least one case, but he was sure there was potentially more cases of cremated remains being held in storage at funeral homes. Some of those maybe veterans. They maybe in storage due to their inability to pay, homeless, or indigents. Mr. Wussick asked the board to consider putting a working group together for us to find ways to remedy that debt to get that veteran buried. There is funding now for veterans that includes casket or urn. There is federal funding that funeral homes can also apply for.

4. **New Business**

a. **Embalmers & Funeral Directors – Establishments Seeking Approval ([§17-29-304 Funeral Establishment – Requirements and §17-29-305 Examinations – Licenses](#))**

- i. **Legion Trade Services, LLC. – Board ID No. 25069.** Requests a Type D establishment license and is located at 2471 GR 514 Rd, Paragould, Arkansas. Inspector Stokes inspected the Type D Transport Service establishment, owned by Doug Beliew, on **Monday, December 3, 2018.** Mr. Beliew is the only listed driver for the transport service. All required documentation submitted is pending Board approval.

Mr. Beliew received bloodborne pathogen training from the American Red Cross and submitted proof of training.

Motion made by Curl to approve the Type D establishment license for Legion Trade Services, LLC., seconded by Neipling, all in favor. Motion carried.

- ii. **Ascension Crematory – Board ID No. 25041.** Requests a Type C establishment license and is located at 111 W. Wilbur Mills Avenue, Kensett, Arkansas. Inspector Stokes inspected the Type C Crematory establishment, owned by Sullivan Funeral Care, LLC on **Thursday, November 29, 2018.** Mark Sullivan owner and operator of Sullivan Funeral Care, LLC and Ascension Crematory submitted the proper documentation for the crematory construction permit and license application on August 23, 2018. The board authorized the conditional approval of the license on **Tuesday, September 25, 2018,** pending final installation and inspection.

Inspector Stokes informed the board that the locations meets the requirements for a Type C and that the manufacturer was present for the training.

Motion made by Hodges to approve the Type C establishment license for Ascension Crematory, seconded by Whitwell, all in favor. Motion carried.

b. Burial Associations – Dissolution Request (*§23-61-1110 Burial Associations*)

- i. Capitol Multiple Burial Association – Request for Dissolution of the burial association.

Melvin Brown, Secretary-Treasurer of the Capitol Multiple Burial Association. This association was from the former Miller Funeral Home. Mr. Brown took it over several years ago. There were approximately sixty (60) members when he assumed it and \$11,000 in total assets. The association is down to ten (10) members. Those ten (10) members consist of one that died in September 2018, a family of seven members, his sister who is the president of the association, and himself.

Annual income is \$124 dollars and each year Mr. Brown has to pay out of pocket the annual report fees. It's not worth his time to try and keep the burial association going. Executive Secretary confirmed that for years Mr. Brown has had to pay the annual fee out of pocket.

He would like to dissolve the association and give the members an option to purchase an annuity from American Annuity and Life in Hot Springs or a cash payout. Total current assets is \$6,719.31. If this is approved, for the member that died in September, there is \$150 of his face amount due to the funeral home. Mr. Brown had only been paying \$350 to the contract funeral home. That would leave \$6,569.31 to divide amongst the nine (9) remaining members or \$729.92 per member.

Curl recommended to have a sign-in sheet and keep record of attendance for the meeting when the dissolution is discussed.

Auditor, Lorin Hillery informed the board that there has been a review of their June 30, 2018 Semi-Annual Report. The numbers reported are accurate. If the association were to continue, they are looking at a \$480 loss per year and would last approximately thirteen (13) years, but there would be no benefit or advantage to keep the association open. There should be final report filed for June – December 2018.

Motion by Curl to allow Capitol Multiple to dissolve per the plan presented by Melvin Brown by December 31st and to waive any associated fees, seconded by Neipling, all in favor. Motion carried.

5. **Hearings – 9:30 a.m.**

a. In the matter of: Chilton Blunt, an expired licensed Funeral Director, License No. 4721, Board ID No. 20998, Respondent. Case No. 18-13

Russ Galbraith, Chief Deputy Insurance Commissioner, served as Hearing Officer;
Amanda Gibson, Board Counsel, represented the Board;
Faith Grisby, Court Reporter;
Chilton Blunt, Respondent, represented himself;
J. Morrill Gray, Respondent witness;
Herman Mitchell, Jr., Respondent witness;
Robbie Clark Williams, Respondent witness; and,
Sharon Hampton, Respondent witness.
Court Reporter swore in witnesses.

Hearing Officer, Russ Galbraith called the hearing on the record and explained the purpose of the hearing. Mr. Galbraith noted that Respondent Blunt was present and had received notice of hearing. Mr. Galbraith explained that the hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and will be given latitude in presenting testimony and evidence, to promote a fair

hearing. This hearing is subject to the Arkansas Freedom of Information Act and therefore all parts of the hearing, including deliberations, are open to the public. The Board will base its decision solely on evidence presented today.

Ms. Gibson gave a brief summary of exhibits 1—9 and inquired if she had permission to publish the Board’s Exhibit Packet. There were no objections and exhibits 1-9 were entered into the record. Mr. Blunt had letters of reference entered and marked as Respondents exhibit 1 and had several character witnesses to testify on his behalf.

Mr. Blunt is here for reinstatement of his expired funeral director license. He was convicted of sexual assault and sexual indecency of a minor in 2015 and has served his time. He was released in April 2018.

Motion made by Curl to find factual allegations 1 and 3-7 proven, seconded by Hodges, all in favor. Motion carried.

Motion made by Whitwell to find charge 1 unproven and charge 2 proven, seconded by Neipling, all in favor. Motion carried.

Motion made by Whitwell to allow reinstatement of Chilton Blunt’s funeral director license, conditioned upon the board receiving a favorable written report from his parole officer on a quarterly basis the first year and then annually through 2025 or before if released early from supervision, seconded by Hodges, all in favor. Motion carried.

6. **Break**

7. **Hearing – 11:00 a.m.**

a. In the matter of: Crystal Bigelow, Applicant for Apprentice Funeral Director and Embalmer, Respondent. Case No. 18-14.

Russ Galbraith, Chief Deputy Insurance Commissioner, served as Hearing Officer; Amanda Gibson, Board Counsel, represented the Board; Faith Grisby, Court Reporter; Crystal Bigelow, Respondent, represented herself. Court reporter swore in witness.

Booker recused himself, due to that Ms. Bigelow is an applicant for an apprenticeship at a Denver Roller, Inc. funeral home. Mr. Booker left the meeting during the hearing.

Hearing Officer, Russ Galbraith called the hearing on the record and explained the purpose of the hearing. Mr. Galbraith noted that Respondent Bigelow was present and had received notice of hearing. Mr. Galbraith explained that the hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and will be given latitude in presenting testimony and evidence, to promote a fair hearing. This hearing is subject to the Arkansas Freedom of Information Act and therefore

all parts of the hearing, including deliberations, are open to the public. The Board will base its decision solely on evidence presented today.

Ms. Gibson gave a brief summary of exhibits 1 – 4 and inquired if she had permission to publish the Board’s Exhibit Packet. There were no objections and exhibits 1-4 were entered into the record. Ms. Bigelow had two letters of reference one from her parole officer and acceptance letter into ASU Mountain Home – Mortuary Program allowed to be entered as Respondent Exhibits 1-2.

Ms. Bigelow stated for the record she had been employed with Roller-McNutt Funeral Home in Clinton since November 1, 2017. On July 1, 2014, she pled guilty to possession of a firearm by certain persons, terroristic threatening, false imprisonment, and endangering the welfare of a minor. She served 26 months in jail and is on parole until 2025, with possible release in 2020 for good behavior.

Motion made by Curl to find factual allegations 1-4 as proven, seconded by Hodges, all in favor. Motion carried.

Motion made by Curl to find charges 1-2 proven, seconded by Hodges, all in favor. Motion carried.

Motion made by Curl to approve the apprentice embalmer and funeral director for Crystal Bigelow, with a condition that her parole officer Jimmy Carter provide a favorable written report during the length of her parole, seconded by Hodges, all in favor. Motion carried.

8. Lunch Break 11:10 a.m. to 1:00 p.m.

The Board reconvened at 1:00 p.m.

9. Legal Administrative Update

a. Criminal Background Check for Apprentices prior to serving apprenticeship.

Motion made by Hodges to request criminal background checks on apprentice applications and for their initial license application, seconded by Neipling, all in favor. Motion carried.

10. Next Meeting Date

a. Tuesday, January 8, 2018 (9:00 a.m.)

11. Next Rules Committee Meeting

a. Monday, January 7, 2018 (1:00 p.m.)

12. Complaints

Case No.18-01 and 18-15 involve the same funeral home, with both complaints the complaining families seem to be indecisive about what funeral home they wanted to use. In one of the complaints the consumer felt they were overcharged, in that complaint the consumer has agreed to withdraw their complaint after receiving a refund of \$1,000.00. It's recommended they both be closed.

Motion made by Curl to accept staff recommendation to close Case No. 18-01 and Case No. 18-15, seconded by Neipling, all in favor. Motion carried.

Case No. 18-12 the complaint was that a death certificate was not filed within ten (10) days of the decedent's death and the reason was because the mother of the deceased did not come in with all the information until after that ten (10) days. The complainant was an ex-wife of the decedent and she has now received a certified copy of death certificate and is satisfied. It's staff recommendation that it be closed.

Motion made by Curl to accept staff recommendation to close Case No. 18-12, seconded by Neipling, all in favor. Motion carried.

Case No. 18-11 a funeral home had their general liability insurance coverage cancelled for non-payment of premium. They went about two months without any coverage and they do have coverage now, but this also happened last year, so it staff's recommendation this be set for a hearing. There is a statute that says we can suspend their license on an emergency basis, pending a final hearing for this type of issue.

Motion made by Curl to accept recommendation to set Case No. 18-11 for a hearing, seconded by Neipling, all in favor. Motion carried.

13. **New Business – 1:30 p.m.**

a. Perpetual Care Cemeteries (*§23-61-1109 Powers and Duties*)

- i.** To consider the request made by Boyd Tommy Fowler on behalf of Forest Park Cemetery Association Inc. to abandon operations of Forest Part Cemetery (License No. 11817)

Mr. Fowler stated that effective December 31, 2018, they were going to cease operations. They have no money to operate. They will continue to help funeral homes with opening and closing of a grave if allowed, but no other maintenance will be done. The cemetery has lost about \$100,000 over the past five (5) years. Any perpetual funds collected would go towards the debt of the cemetery. They have a few contracts sold pre-need, but most want to pay at-need. There are no funds available to maintain Forest Park cemetery. They inquired, "What will happen to the perpetual care fund?" The cemetery is seven (7) acres of that 90% of the cemetery is sold and they are not sure if all the remaining 10% would be sellable. One of their questions is, "can they still sale lots if people wanted to buy?" They don't have enough money to maintain the cemetery. Mr. Fowler plans to post something in the paper and contact the funeral homes. They will file the reports for 2018.

14. **Potential Future Meeting Date(s)**
 - a. **Tuesday, February 5, 2019 (9:00 a.m.) or**
 - b. **Tuesday, March 5, 2019 (9:00 a.m.)**

15. **Comments and Announcements**

16. **Adjournment**

Meeting was considered adjourned at 2:50 p. m.