

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

Tuesday, January 14, 2020
1200 West Third Street
1st Floor Hearing Room
Little Rock, AR
9:01 a.m. – 11:23 a.m.

Chairman Bill Booker called the meeting to order. Member(s) present: Billy Curl, Professional Member, Rausch Hodges, Professional Member, Commissioner, Allen Kerr, Professional Member, Josephine Perry, Senior Citizens Member, James Bruce Smithson, Professional Member, and Steve Whitwell, Professional Member and Vice-Chair. Member(s) absent: Chuck Dearman, Professional Member and Stephanie Neipling, Consumer Member.

Staff present, Robert Akers, Director, Funeral Services Division, Darriel Ezell, Inspector/Investigator, Amy Goode, Executive Secretary, Lorin Hillery, Auditor, 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 was any desire to change or deviate from the proposed agenda. Hearing none, the Board preceded with the agenda as prepared by staff.

3. **New Business**
 - a. **Funeral Directors and Embalmers – To consider applications for reinstatement**
[[A.C.A. §17-29-306 Renewal](#)]

- i. **David L. Clayton – Board ID. No. 22965.** Mr. Clayton allowed his funeral director license to lapse in December 2011 for non-payment. [Rule IX. 4.](#) States that a licensed embalmer and or funeral director who fails to renew his/her license for a period of five (5) years, in addition to appearing before the Board and paying the required delinquent fees is also required to take and pass the ARLRR exam.

Mr. Clayton notified the Executive Secretary late Monday, January 13, 2020, that he would not be in attendance.

- b. **Embalmers & Funeral Directors – Establishments Seeking Approval**
[[A.C.A. §17-29-304 Funeral Establishment – Requirements, §17-29-305 Examinations – Licenses, and §17-29-315 -Transporting human remains-Operating a transport service – Qualifications](#)]

- i. **After Life Solutions, Inc. – Board ID No. 25211.** Requests a Type D establishment license and is located at 209 Bellevue Circle, Jacksonville, Arkansas. Interim Inspector Smithson inspected the Type D Transport establishment owned by Marco Thomas on **Friday, January 3, 2020**. Mr. Mario Wallace is currently the only listed driver with a valid Arkansas driver’s license for the transport service and he received his blood-borne pathogen training on December 5, 2019. All required documentation is pending Board approval

Marco Thomas and Mario Wallace were both present representing the establishment.

Motion made by Kerr to approve the Type D establishment license for After Life Solutions, seconded by Hodges, all in favor. Motion carried.

c. Perpetual Care Cemeteries Application for Permit Amendment (*§20-17-1011 Permit-Amendment*)

- i. To consider the transfer of ownership of **Twenty-Third Psalm**, Magnolia (License No. 11815) from D & M Pittman, Inc. to Randy L. Reed.

David Pittman and Randy Reed were present representing the cemetery.

Motion made by Whitwell to approve the request for transfer of ownership of **Twenty-Third Psalm**, Magnolia (License No. 11815), seconded by Curl, all in favor, Motion carried.

- ii. To consider the transfer of ownership of **Haven of Rest Cemetery**, Little Rock (License No. 11823) from Kennedy Funding Financial, LLC to Finality, LLC., d/b/a Haven of Rest.

Stephanie Webb and Percy Webb were present representing the cemetery and Finality LLC.

Due to the history and problems of the cemetery that go back prior to the receiver’s operations of the cemetery, the potential new owners requested the board waive the transfer of ownership fee.

Motion made by Curl to approve the request to waive transfer of ownership fee, seconded by Kerr, all in favor. Motion carried.

Motion made by Kerr to approve the request for transfer of ownership of **Haven of Rest Cemetery**, Little Rock (License No. 11823), seconded by Hodges, all in favor. Motion carried.

- iii. To consider amending the permit by the reduction of boundaries of **Randolph Memorial Gardens**, Pocahontas (11834) through a reduction of 3.750 acres.

Becca and Brody Foster were present representing the cemetery.

Motion made by Whitwell to grant the reduction of boundaries of **Randolph Memorial Gardens**, Pocahontas (11834), seconded by Hodges, all in favor. Motion carried.

- iv. To consider amending the permit by the reduction of boundaries of **Hollywood Cemetery**, Hot Springs (License No. 11811) through a reduction of 10 acres.
- v. To consider amending the permit by the reduction of boundaries of **Memorial Gardens Cemetery**, Hot Springs (License No. 11813) through a reduction of 4 acres.
- vi. To consider the transfer of ownership of **CedarVale Cemetery**, Hot Springs Village (License No. 11814) from Selected Funeral and Life Insurance Company (SFLIC) to Mr. Steve Pegram.
- vii. To consider the transfer of ownership of **Crestview Cemetery**, Hot Springs (License No. 11862) from Selected Funeral and Life Insurance Company (SFLIC) to Mr. Steve Pegram.
- viii. To consider the transfer of ownership of **Greenwood Cemetery**, Hot Springs (License No. 11859) from Selected Funeral and Life Insurance Company (SFLIC) to Mr. Steve Pegram.
- ix. To consider the transfer of ownership of **Hollywood Cemetery**, Hot Springs (License No. 11811) from Selected Funeral and Life Insurance Company (SFLIC) to Mr. Steve Pegram.
- x. To consider the transfer of ownership of **Memorial Gardens Cemetery**, Hot Springs (License No. 11812) from Selected Funeral and Life Insurance Company (SFLIC) to Mr. Steve Pegram.

Mr. L. Guy Dillahunty, Bob Baine with Confidential Business Intermediaries, and Steve Pegram, proposed new owner, were present representing the cemetery. Mr. Dillahunty corrected, for the record, that the current owner, for CedarVale (vi), Crestview (vii), Hollywood (ix), and Memorial Gardens (x) cemeteries is Selected Financial Properties, Inc. and not Selected Funeral and Life Insurance Company. Greenwood Cemetery (viii) is currently owned by Greenwood Properties.

Motion made by Whitwell to defer item iv. No objections.

Motion made by Whitwell to defer item v. No objections.

Motion made by Curl to defer items vi-x until the next meeting to properly review the large packet of documentation, seconded by Smithson, all in favor. Motion carried,

Call a special meeting on February 4, 2020 to handle these matters only.

- xi. To consider the transfer of ownership of **Resthaven Cemetery**, Malvern (License No. 11813) from Selected Funeral and Life Insurance Company to Mr. Jeffery Rorie.
- xii. To consider the transfer of ownership of **Rockport Cemetery**, Malvern (License No. 11861) from Selected Funeral and Life Insurance Company to Mr. Jeffery Rorie.
- xiii. To consider the transfer of ownership of **Shadowlawn Cemetery**, Malvern (License No. 11860) from Selected Funeral and Life Insurance Company to Mr. Jeffery Rorie.

Mr. L. Guy Dillahunt, Bob Baine, with Confidential Business Intermediaries, and Mr. Jeffery and Michelle Rorie, proposed new owners, were present representing the cemetery.

It has already been noted, for the record, that the current owner for these cemeteries is Selected Financial Properties, Inc. and not Selected Funeral and Life Insurance Company.

Motion made by Kerr to approve the transfer of ownership request for **Resthaven Cemetery**, Malvern (License No. 11813), **Rockport Cemetery**, Malvern (License No. 11861), and of **Shadowlawn Cemetery**, Malvern (License No. 11860), seconded by Hodges, all in favor. Motion carried.

d. Board Member Travel Reimbursement and Stipends (*§25-16-902 Expense Reimbursement and §25-16-904 Stipend-Authorization for \$85*)

- i. Board approval of travel reimbursement and stipends for calendar year 2020, in accordance with Ark. Code Ann. §25-16-902 and 25-16-904 respectively. Amount cannot exceed eight-five dollars (\$85.00) per day. Possible exceptions: Teleconference meetings.

Motion made by Hodges to continue the travel and stipend reimbursements allowed by law for calendar year 2020, seconded by Smithson, all in favor. Motion carried.

4. Complaints

- a. Funeral Directors and Embalmers – To consider the complaint(s) on-file with the State Board**
[*A.C.A. §23-61-1111 Duties of the State Insurance Department*]

Ms. Gibson stated she had three perpetual care cemetery complaints to present to the board.

Case No. 19-PCC040. Recommended closed by board staff and counsel.

Motion made by Hodge to accept staff's recommendation to close Case No. 19-PCC040, seconded by, Kerr, all in favor. Motion carried.

Case No. 19-PCC042. Recommended closed by board staff and counsel.

Motion made by Kerr to accept staff's recommendation to close Case No. 19-PCC042, seconded by, Smithson, all in favor. Motion carried.

Case No. 19-PCC046. Recommended closed by board staff and counsel.

Motion made by Smithson to accept staff's recommendation to close Case No. 19-PCC046, seconded by, Kerr, all in favor. Motion carried.

Ms. Gibson stated she had three embalmer and funeral director complaints to present to the board.

Case No. 19-13. Recommended hearing by board staff and counsel.

Motion made by Kerr to accept staff's recommendation to set Case No. 19-13 for a hearing, seconded by Smithson, all in favor. Motion carried.

Case No. 19-34. Recommended hearing by board staff and counsel.

Motion made by Kerr to accept staff's recommendation to set Case No. 19-13 for a hearing, seconded by Smithson, all in favor. Motion carried.

Case No. 19-22. Bob Neal and Sons Brickell Funeral Home, Board ID No. 20330. Recommended Consent Agreement by board staff and counsel.

There were no objections from members concerning the consent agreement in Case No. 19-22.

5. **Legal Administrative Update**

There is one case that is on appeal in Miller County. The case has now been briefed and the next step is the judge will decide the case based on the briefs or set it for oral arguments.

6. **Next Meeting Date(s)**

a. **Tuesday, March 10, 2020 (9:00 a.m.)**

7. **Adjournment**

Motion made by Smithson to adjourn the meeting at approximately 11:23 a.m., seconded by Curl, all in favor. Motion carried.