

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

Thursday, May 16, 2019
1200 West Third Street
1st Floor Hearing Room
Little Rock, AR
9 a.m. – 10:24 a.m.

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

1. **Call to Order** – Introduction of Board members and staff.
2. **Hearing**
 - a. **In the matter of: Rhodes & Son Funeral Home, Cindy Rhodes, Owner and Jimmy L. Rhodes, Jr., a Licensed Funeral Director and Embalmer. Case Nos. 19-01 and 19-12**

Mel Anderson, Insurance Deputy Commissioner Financial Regulations, served as Hearing Officer;
Amanda Gibson, Board Counsel, represented the Board;
Faith Grigsby, Court Reporter;
Brooks Kyle, Colleen Kyle, Joe Kyle, Brandon Yarbrough, Margie Farmer, and Leslie Stokes served as witnesses for the Board.
Respondents were not present.

Hearing Officer, Mel Anderson called the hearing on the record and explained the purpose of the hearing. Mr. Anderson was informed that the Respondents were not present. Mr. Anderson explained 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, there were no objections and exhibits 1-9 were entered into the record. Ms. Gibson inquired if she had permission to publish the Board's Exhibit Packet. Permission was granted.

There was a duplication in allegation numbers, therefore allegation number 6 was renumbered 5.

Motion made by Whitwell, to find factual allegations 1-19 proven, with the exception of a portion of allegation 11 that there are no funds owed to the state for the returned check and that allegation 19 be modified to include the Kyle family did not have a returned check fee owed to them, they were told by the bank on several occasions the check would not clear, seconded by Kerr, all in favor. Motion carried.

Motion made by Whitwell, to find charges 1-10 proven, seconded by Kerr, all in favor. Motion carried.

Motion made by Kerr to issue the following penalty:

1. Recommends all licenses be revoked to include both Type A establishments in Augusta and McCrory and the funeral director and embalmer license of Jimmy L. Rhodes, Jr.
2. Restitution of all monies owed to the Kyle family and Yarborough Mortuary.
3. Restitution to be made within 90 days from date of service, if not a \$10,000 civil penalty to be levied against the business, Cindy Rhodes, and Jimmy L. Rhodes, Jr. for a total of \$30,000.

Seconded by Hodges, all in favor. Motion carried.

Hearing concluded at 10:24 a.m.