

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

Tuesday, November 19, 2019
1200 West Third Street
1st Floor Hearing Room
Little Rock, AR
9 a.m. – 10:05 a.m.

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

Staff present, Robert Akers, Director, Funeral Services Division, 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. **Administrative**
 - a. **Approval of the September 17, 2019, meeting minutes;**

Motion made by Curl to approve the meeting minutes of the September 17, 2019 meeting, as submitted by staff, seconded by Smithson, all in favor. Motion carried.

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

- i. **Richard M. Ward-Harder, Jr. – Board ID. No. 21605.** Mr. Ward-Harder allowed his funeral director license to lapse in December 2013 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. Ward-Harder was present representing himself.

Motion made by Dearman to approve the request for reinstatement, seconded by Whitwell, all in favor. Motion carried.

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. Metro Mortuary Transport LLC – Board ID No. 25176.** Requests a **Type D** establishment license and is located at 5801 W. Brown Street, Woodson, Arkansas. Interim Inspector Smithson inspected the Type D Transport establishment owned by Christian Blackmon on **Friday, October 4, 2019**. Mr. Blackmon is the only listed driver with a valid Arkansas driver’s license for the transport service and he received his blood-borne pathogen training on September 12, 2019. All required documentation is pending Board approval.

Mr. Christian Blackmon was present representing Metro Mortuary Transport, LLC.

Motion made by Curl to approve the Type D establishment license for Metro Mortuary Transport, seconded by Hodges, all in favor. Motion carried.

- ii. Reliable Transport Service – Board ID No. 25201.** Requests a **Type D** establishment license and is located at 71 Lawrence Rd 233, Powhatan, Arkansas. Interim Inspector Smithson inspected the Type D Transport establishment owned by Gary Mashburn on **Friday, November 15, 2019**. Mr. Mashburn is a listed driver with a valid Arkansas driver’s license for the transport service and he received his blood-borne pathogen training on November 4, 2019. Marion McDaniel is also a registered driver with a valid Arkansas driver’s license and received his blood-borne pathogen training on November 13, 2019. All required documentation is pending Board approval.

Mr. Gary Mashburn was present representing Reliable Transport.

Motion made by Whitwell to approve the Type D establishment license for Reliable Transport Service, seconded by Curl, all in favor. Motion carried.

Break 9:15

5. Hearings

- a. In the matter of: Tyler Wayne Jones, Applicant for Apprentice Funeral Director and Embalmer; Case No. 19-28.**

Booth Rand, Managing Attorney | Arkansas Insurance Department, served as Hearing Officer;

Amanda Gibson, Board Counsel, represented the Board;

Faith Grigsby, Court Reporter;

Tyler Wayne Jones, Respondent, represented herself;

Court Reporter swore in witnesses.

Hearing Officer, Booth Rand called the hearing on the record at 9:18 am and explained the purpose of the hearing. Mr. Rand noted Respondent Jones was present and had received notice of hearing. Mr. Rand 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.

Curl recused himself from discussion, deliberations, and participation in the hearing of Mr. Tyler Wayne Jones.

Ms. Gibson gave a brief summary of exhibits 1 – 5 and inquired if she had permission to publish the Board’s Exhibit Packet. There were no objections and exhibits 1 – 5 were entered into the record. Respondent had no further exhibits.

Board found on the record the following:

Factual allegations 1-5 proven.

1. Respondent is employed at CedarVale Funeral Home in Hot Springs Village, Arkansas.
2. On September 30, 2019 Respondent submitted an application for registration as an apprentice funeral director.
3. On April 4, 2017, Respondent pled guilty in Montgomery County, Arkansas to breaking and entering and theft of property. Respondent disclosed the convictions on his application.
4. On April 4, 2017, Respondent was sentenced to a term of probation of 72 months.
5. Respondent was granted early release from probation on April 9, 2019 after paying all fees and costs and graduating from two drug court programs.

Motion made by Hodges, to find factual allegations 1-5 proven, seconded by Smithson, all in favor. Motion carried. Curl recused.

Motion made by Dearman to find charge C.1. proven, seconded by Smithson, all in favor. Motion carried. Curl recused.

Motion made by Whitwell to grant waiver and allow Jones to register as an apprentice funeral director, seconded by Hodges, all in favor. Motion carried. Curl recused.

Hearing and record were closed at 9:45 a.m.

6. **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 one embalmer and funeral director complaint to present to the board.

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

Motion made by Curl to accept staff's recommendation to close the above referenced case, seconded by Smithson, all in favor. Motion carried.

Ms. Gibson stated she had six perpetual care cemetery complaints to be presented to the board.

Case No. 19-PCC036. Recommended closed by board staff and counsel.

Case No. 19-PCC039. Recommended closed by board staff and counsel.

Case No. 19-PCC033. Recommended closed by board staff and counsel.

Case No. 19-PCC037. Recommended closed by board staff and counsel.

Case No. 19-PCC045. Recommended closed by board staff and counsel.

Case No. 19-PCC043. Recommended closed by board staff and counsel.

Motion made by Curl to accept staff's recommendation to close complaints, seconded by Hodges, all in favor. Motion carried.

7. **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.

8. **Rules Sub-Committee Report**

a. **Billy Curl – Recap of rules committee meeting held Monday, November 18, 2019.**

Mr. Curl stated there were 10 specific areas that need to be updated promptly due to law changes to the embalmers and funeral directors' rules. Ms. Gibson will implement those changes discussed. Plans for next rules committee to be held in December.

9. **Future Meeting Date(s)**

a. **Tuesday, January 14, 2020 (9:00 a.m.)**

10. **Adjournment**

Motion made by Smithson to adjourn the meeting at approximately 10:05 a.m., seconded by Dearman, all in favor. Motion carried.