

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

Tuesday, June 16, 2020

1 Commerce Way
Diamond Mine Room – 2nd Floor
Little Rock, AR
9:00 a.m. – 2:41 p.m.

Chairman Bill Booker called the meeting to order. Member(s) present: Billy Curl, Professional Member, Chuck Dearman, Professional Member, Commissioner, Alan McClain, Professional Member, Josephine Perry, Senior Citizens Member, and Steve Whitwell, Professional Member and Vice-Chair.

Member(s) absent: Rausch Hodges, Professional Member, Stephanie Neipling, Consumer Member, and James Bruce Smithson, Professional Member.

Staff present, Robert Akers, Director, Funeral Services Division, Darriel Ezell, Inspector/Investigator, Amy Goode, Executive Secretary, Amanda Gibson, Arkansas Insurance Department, Associate Counsel, and Jim Brader, Arkansas Insurance Department, General 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 May 13, 2020, special meeting minutes; and,**

Motion made by Dearman to approve the minutes of the May 13, 2020, special meeting as prepared by staff, seconded by Curl, all in favor. Motion carried.

- b. **Approval of the May 19, 2020, regular meeting minutes.**

Motion made by Curl to approve the minutes of the May 19, 2020, regular meeting as prepared by staff, seconded by McClain, all in favor. Motion carried.

4. **New Business**

- a. **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. **Smith Little Rock Funeral Home – Board ID No. 25271.** Requests a **Type A** establishment license and is located at 8801 Knoedl Ct, Little Rock, Arkansas. This location is currently licensed as **Little Rock Funeral Home, Board ID No. 20491.** The funeral home sold to the Smith Family Funeral Home, Inc. and a name change is warranted. Due to state travel restrictions, an actual inspection could not take place, but a routine inspection will be conducted once restrictions have been lifted. The manager of record will be Clayton Smith, Board ID No. 22228 and Steven Schade, Board ID No. 21728, is to perform the embalming. Little Rock Cremations, Board ID No. 25013 will perform the cremations. All required documentation is pending Board approval.

Jeff and Leslie Smith and Clay Smith were present representing Smith Little Rock Funeral Home. Mr. Brad Leggett was also present representing the former Little Rock Funeral Home.

Motion made by Curl to approve the Type A establishment license for Smith Little Rock Funeral Home, seconded by Dearman, all in favor. Motion carried.

5. Hearings

- a. **In the matter of – Chilton Blunt, a Licensed Funeral Director, Board ID No. 20998, Respondent – Case No. 18-13.**

Russ Galbraith, Chief Deputy Insurance Commissioner | Arkansas Insurance Department, served as Hearing Officer;
Amanda Gibson, Board Counsel, represented the Board;
Tiffanie Harrison, Court Reporter;
Chilton Blunt, Respondent was present represented by counsel Jim Jackson;
Court Reporter swore in witnesses.

Hearing Officer, Russ Galbraith called the hearing on the record at 9:16 am and explained the purpose of the hearing. Mr. Galbraith noted Respondent Blunt was present with counsel Jim Jackson and had received notice of hearing. Mr. Galbraith explained the hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and all parties 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 stated she had Board’s Exhibits 1-4 Packet prepared to enter into the record. Respondent had their own exhibits labeled Respondent Exhibits 1 and 2. Neither party had an objection to the exhibits.

Board found and agreed to find allegations of fact 1-6 proven and to adopt fact 7, due to the testimony received during the hearing. Charge 1 was found true. However, it was founded that Mr. Blunt not being able to obtain all four (4) reports, was out of his control.

Board agreed to dismiss the charge against the Respondent and no further action will be taken.

Record closed at 9:53 a.m.

b. In the matter of – Tykeiya Hudson, Applicant for Funeral Director Apprentice, Respondent – Case No. 20-10

Russ Galbraith, Chief Deputy Commissioner | Arkansas Insurance Department, served as Hearing Officer;
Amanda Gibson, Board Counsel, represented the Board;
Tiffanie Harrison, Court Reporter;
Takeiya Hudson, Respondent
Court Reporter swore in witnesses.

Hearing Officer, Russ Galbraith called the hearing on the record at 9:57 am and explained the purpose of the hearing. Mr. Galbraith noted Respondent Hudson was present and had received notice of hearing. Mr. Galbraith explained the hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and all parties 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 stated she had Board's Exhibits 1-5 Packet to introduce into the record. Respondent had no objection.

Motion made by Whitwell, to find factual allegations 1-8 true, seconded by Curl, all in favor. Motion carried.

Motion made by Whitwell to find charge 1 true, but allow Hudson to register as an apprentice funeral director, seconded by Curl, all in favor. Motion carried.

Record closed at 10:20 a.m.

c. In the matter of – Timeless Funeral Home, LLC., Board ID No. 20449, Michael McKinzie, Board ID No 21902, and Consuela McKinzie, an unlicensed person, Respondents – Case No. 20-15

Russ Galbraith, Chief Deputy Insurance Commissioner | Arkansas Insurance Department, served as Hearing Officer;
Amanda Gibson, Board Counsel, represented the Board;
Tiffanie Harrison, Court Reporter;

Michael McKinzie, Respondent was present and represented by counsel Rufus T. Buie; Darriel Ezell, Investigator, witness for the Board. Court Reporter swore in witnesses.

Consuela McKinzie was not present.

Hearing Officer, Russ Galbraith called the hearing on the record at 10:30 am and explained the purpose of the hearing. Mr. Galbraith noted that Respondent McKinzie, was present with counsel Rufus T. Buie and they had received the notice of hearing. Mr. Galbraith explained the hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and all parties 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 stated she had Board's Exhibits 1-12 Packet to introduce into the record. Respondents had no objection.

Ms. Gibson informed the board that Inspector Ezell had been contacted by a local crematory about some death certificates received by Respondent and they were concerned they were not signed by the authority having jurisdiction to release the body for final disposition.

Lunch break 11:30 a.m. – 12 p.m.

Motion made by Curl to find factual allegations 1-10 true, seconded by Whitwell, all in favor. Motion carried.

Motion made by Curl to find charges 1 and 2 true and correct, seconded by Dearman, all in favor. Motion carried,

Motion made by Curl to lift the temporary suspension of Timeless Funeral Home and Michael McKinzie's licenses, seconded by Whitwell, all in favor. Motion carried.

Motion made by Curl to find a true and correct finding of fact that the death certificates certifying signatures were fraudulent for Brystal May, Delois Young, and Sammy White, seconded by Dearman, all in favor. Motion carried.

Motion made by Curl to find the following penalties:

1. That the establishment license of Timeless and the funeral director's license of Michael McKinzie be suspended for two years. However, the suspensions will be held in abeyance during the two-year probationary period, during which those two licenses will be on probation. If there are no further violations during the probationary period, then at the end of the two-year period, the suspensions will not be imposed.

2. That the Respondents shall submit a written plan to the Board, within thirty (30) days (no later than July 16, 2020), to address the corrective actions needed to ensure death certificates are filled out and certified correctly in the future.

Seconded by Perry, all in favor. Motion carried.

Record was closed at 1:25 p.m.

6. **Old Business**

a. **Perpetual Care Cemeteries – To consider Staff’s update.**

i. **Forest Park Cemetery (License No. 11816) – Fort Smith**

ii. **Roselawn-Holy Cross Cemetery (License No. 11817) – Fort Smith**

Robert Akers brought the board up to date concerning his visit to Fort Smith after the previous meeting. He met with Representative Cindy Crawford from District 76. He spoke with her about prospective law changes, that could help in the future with perpetual care cemeteries. The complainants have expressed their interest in coming to Little Rock to address the board and we believe it’s important to give them the opportunity. We will expect individuals to come to the July meeting.

7. **Complaints - To consider the complaint(s) on-file with the State Board** [[A.C.A. §23-61-1111 Duties of the State Insurance Department](#)]

There was discussion about establishing a complaint committee and the board agreed to add a board member when staff deemed appropriate.

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

- a. **Monday, July 20, 2020 (1:00 p.m.) Rules Sub-Committee**
- b. **Tuesday, July 21, 2020 (9:00 a.m.) Regular Board Meeting**

9. **Potential Next Meeting Date(s)**

- a. **Monday, August 17, 2020 (1:00 p.m.) Rules Sub-Committee**
- b. **Tuesday, August 18, 2020 (9:00 a.m.) Tentatively Hearings Only**

10. **Adjournment**

Motion made by Curl to adjourn at 3:35 PM, seconded by McClain, all in favor. Motion carried.