

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

Tuesday, August 18, 2020

1 Commerce Way
Diamond Mine Room – 2nd Floor
Little Rock, AR
9:00 A.M. – 2:26 P.M.

Chairman Bill Booker called the meeting to order. Member(s) present in-person: Rausch Hodges, Professional Member, Commissioner, Alan McClain, Professional Member, Josephine Perry, Senior Citizens Member, James Bruce Smithson, Professional Member and Steve Whitwell, Professional Member and Vice-Chair.

Member(s) Absent: Billy Curl, Professional Member, 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, Amelia Vestal, Senior Securities Examiner, 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 June 16, 2020, meeting minutes.**

Motion made by Hodges to approve the June 16, 2020 meeting minutes as submitted by Staff, seconded by Smithson, all in favor. Motion carried.

- b. **Approval of the July 21, 2020, meeting minutes.**

Motion made by McClain to approve the July 21, 2020 meeting minutes as submitted by Staff, seconded by Smithson, all in favor. Motion carried.

4. **Election of Officers**

Motion made by Whitwell, to nominate Bill Booker as Chair and motion made by Smithson to nominate Whitwell as Vice-Chair, no other nominations were made. Hodges motioned nominations cease, all motions seconded by Smithson and all were in favor. Motion carried.

5. **New Business**

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

- i. Mary Belinda Gaines – Board ID. No. 21352.** Ms. Gaines allowed her embalmer's license to lapse for non-payment December 31, 2016. [Rule IX. 4.](#) States that when any person is in arrears for more than three (3) years, is required to pay delinquent fees of (\$460.00), in addition to appearing before the Board. Ms. Gaines passed her background check and is pending Board approval.

Ms. Gaines was present, she respectively requested that the board reinstate her embalmer's license.

Motion made by Smithson to allow reinstatement, seconded by Whitwell, all in favor. Motion carried.

6. **Hearings – Approximately 9:15**

a. In the matter of Paradise Funeral Home of Arkansas, Board ID No. 24943, and Stephanie Westbrook, a Licensed Funeral Director and Manager, Board ID NO. 23962 – Case No. 20-02.

Russ Galbraith, Chief Deputy Insurance Commissioner | Arkansas Insurance Department, served as Hearing Officer;
Amanda Gibson, Board Counsel, represented the Board;
Tiffanie Harrison, Court Reporter;
Stephanie Westbrook, Respondent was present;
Derrick Blake, Respondent for Funeral Home was present; and,
Latoya Davidson, Witness was present.
Court Reporter swore in witnesses.

Hearing Officer, Russ Galbraith called the hearing on the record at 9:15 A.M. and explained the purpose of the hearing. Mr. Galbraith noted Respondent Westbrook and Derrick Blake were 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 Packet Exhibits 1-3 prepared to enter into the record. There were no objections to the exhibits.

Motion made by Smithson to find factual allegation 1-11 true with amendments, seconded by Whitwell, all in favor. Motion carried.

Motion made by Whitwell to find charge 1 not true, seconded by Smithson, all in favor. Motion carried.

Motion made by Whitwell that the testimony proves that Respondent Westbrook did adequately supervise staff, seconded by Smithson, all in favor. Motion carried.

Motion made by Whitwell to find charge 2 not true, seconded by Smithson, all in favor. Motion carried.

Hearing closed at 10:15 A.M.

b. In the matter of Roland Gosey, a Licensed Funeral Director and Embalmer, Board ID No. 21759 – Case No. 20-01.

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

Hearing Officer, Russ Galbraith called the hearing on the record at 10:21 A.M. and explained the purpose of the hearing. Mr. Galbraith noted Respondent Gosey 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 Packet Exhibits 1-5 prepared to enter into the record. Respondent Gosey had 2 exhibits to enter into the record. There were no objections to the exhibits.

Board's Exhibit 6 was added into the record.

Motion made by Whitwell to find factual allegations 1-9 true with amendment to 2 and 10 was found undetermined, seconded by Smithson, all in favor. Motion carried.

Motion made by Whitwell to dismiss all charges, seconded my Smithson, all in favor. Motion carried. Record was closed at 11:37 A.M.

7. Lunch Break Approximately 11:15 – 11:30

Board meeting resumed at 12:20 PM.

8. Complaints - 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 four embalmer and funeral director complaints to present to the board.

Case No. 20-19. Staff recommends case be set for a hearing.

Case No. 20-16. Staff recommends authorizing counsel to enter into a consent agreement revoking the establishment licenses.

Case No. 20-20. Staff recommends case be set for a hearing.

Case No. 20-21. Staff recommends case be set for a hearing.

Board accepted recommendation from staff and counsel concerning the above referenced cases.

Ms. Vestal stated she had five cemetery complaints that staff recommends closing.

Case No. PCC20-044.

Case No. PCC20-048.

Case No. PCC20-049.

Case No. PCC20-050.

Case No. PCC20-051.

Board in agreement with the recommendation to close.

9. 2021 Legislation

There are substantial changes proposed to the cemetery statutes.

Non-substantial changes were suggested to the Funeral Directors and Embalmers statutes.

10. Old Business

a. Perpetual Care Cemeteries –To consider the non-filing and/or late filings of the 2019 annual reports for cemetery and/or trustee reports. [[A.C.A. §20-17-1023. Annual report of condition of cemetery company](#)]

i. Strickland Memorial Lawn, McGehee (License No. 11821) – Mr. Shannon Strickland, Manager;

Shannon Strickland did not appear, though he received a subpoena. He was called and he stated he didn't have anything to do with the cemetery.

11. Next Meeting Date(s)

- a. Monday, September 14, 2020 (1:00 p.m.) Rules Sub-Committee**
- b. Tuesday, September 15, 2020 (9:00 a.m.) Board Meeting and Hearings**

12. Future Meeting Date(s):

- a. Monday, October 19, 2020 (1:00 p.m.) Rules Sub-Committee**
- b. Tuesday, October 20, 2020 (9:00 a.m.) Board Meeting and Hearings**

13. Comments and Announcements

14. Adjournment

Motion made by Smithson to adjourn at 2:26 PM, seconded by Whitwell, all in favor. Motion carried.