

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

Tuesday, August 17, 2021

1 Commerce Way
Diamond Mine Room– 2nd Floor
Little Rock, AR
9:05 – 10:15 AM

Chairman Bill Booker, Professional Member called the meeting to order. Member(s) present: Billy Curl, Professional Member, Commissioner Appointed Designee, Dan Honey, Compliance Attorney, Rausch Hodges, Professional Member, Josephine Perry, Senior Citizens Member, and Steve Whitwell, Professional Member and Vice-Chair.

Members absent, Commissioner Alan McClain, Stephanie Neipling, Consumer Member, and Bruce Smithson, Professional 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, Amanda Gibson, Arkansas Insurance Department, Associate Counsel and Eddie Davis, Director of Security.

1. **Call to Order** – Introduction of Board members and staff.
2. **Approval of the Agenda**

Motion made by Curl to proceed with agenda as presented by staff, seconded by Honey, all in favor. Motion carried

3. **New Business**

- a) **Embalmers & Funeral Directors – Establishments Seeking Approval**

[[A.C.A. §17-29-304 Funeral Establishment – Requirements, §17-29-305 Examinations – Licenses](#)]

- i. **Red Rose Transport – Board ID No. 25429.** Requests a **Type D** establishment license and is located at 259 Brady Mountain Cutoff, Royal, Arkansas. Inspector Ezell inspected the Type D Transport establishment owned by Wayne Walthall on **Tuesday, August 10, 2021.** Mr. Walthall has an acceptable driving record and received his blood borne pathogen training 8/3/2021. All required documentation submitted is pending Board approval.

Wayne Walthall, owner, was present representing the transport firm.

Motion made by Whitwell to approve the Type D license for Red Rose Transport, seconded by Hodges, all in favor. Motion carried.

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

- i. Vernée N. Purifoy (formerly Peaster)– Board ID. No. 22360.** Mrs. Purifoy allowed her funeral director license to lapse in December 2012 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.

Vernee Purifoy was present representing herself for reinstatement.

Motion made by Whitwell to approve Ms. Purifoy’s application for reinstatement, contingent she passes the exam and pays the delinquent fee, seconded by Curl, all in favor. Motion carried.

4. Hearings

a) In the matter of Victor Bryant, Jr., an Applicant for Re-Registration of Funeral Director Apprenticeship. Case No. 21-16

Gray Turner, Attorney Specialist | Arkansas Insurance Department, served as Hearing Officer. Amanda Gibson, Board Counsel, represented the Board. Tiffanie Harrison, Court Reporter. Victor Bryant, Jr., Respondent. Court Reporter swore in witnesses.

Hearing Officer, Gray Turner called the hearing on the record at 9:13 AM. and explained the purpose of the hearing. Mr. Turner 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 Exhibit Packet containing five (5) exhibits prepared to enter into the record. Mr. Bryant had 1 exhibit and it was entered as Respondents exhibit R1. There were no objections to the exhibits, and they were published. Ms. Gibson stated she had a brief opening statement, we are here in the matter of Victor Bryant, he is before you today to request you waive his prior felony conviction, so that he may re-register as an apprentice funeral director.

Mr. Bryant works for Williams Funeral Home in Arkadelphia. Roland Gosey is the manager.

Mr. Bryant stated in 2008, he helped a friend at the time move some speakers, that he did not know were stolen. He was caught moving the speakers and was charged and convicted of the same charges as his friend was, because he was with him. He did not help steal the speakers, but he was charged for the theft. He was guilty by association. In 2016, when he initially registered as apprentice, he had requested his record be sealed in 2013 and was advised he did not have answer yes to any felony question. However, he found out recently his record was not sealed. He has learned that everyone is not your friend and you can get yourself into trouble.

Mr. Bryant stated that he wanted to become a funeral director since he was a kid. He started his apprenticeship with Mr. Mitchell at Mitchell Funeral Home. He stated that Mr. Mitchell, was a respectable member of the community and he looked up to him and wanted to be like him. When Bryant started working with him, he taught him a lot and he just wants to help families.

He did not serve time, just probation.

Mr. Gosey is aware of his conviction and that the Respondent was present today at this hearing.

Board went off the record at 9:35 AM to deliberate based on the testimony and evidence presented today.

On the record at 9:37 AM

Motion made by Honey to find the factual allegations true, to grant a waiver of the felony conviction, and allow Mr. Bryant to re-register as an apprentice funeral director, seconded by Whitwell, all in favor. Motion carried.

Record closed at 9:40 AM

5. Election of officers

Motion by Whitwell to nominate Bill Booker as Chair, no other nominations were made, Bill Booker was elected Chair.

Motion made by Curl to nominate Steve Whitwell as vice-chair, no other nominations were made, Steve Whitwell was elected Vice-Chair.

Mr. Booker stated that Billy Curl will continue to serve as Chair of the Rules Sub-Committee and Steve Whitwell as Vice-Chair.

6. Administrative

a) Approval of the June 15, 2021 meeting minutes

Motion made by Honey, to approve the meeting minutes of the June 15, 2021 meeting as drafted, seconded by Curl, all in favor. Motion carried.

b) Approval of the July 20, 2021 meeting minutes

Motion made by Curl , to approve the meeting minutes of the July 20, 2021 meeting as drafted, seconded by Honey, all in favor. Motion carried.

7. Complaints

a) 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 did not have any complaints to present to the board and Ms. Vestal did not have any complaints to present. She did inform the Board that Stephanie Webb, Finality, Inc. did pass away.

Ms. Gibson stated she did have a consent agreement for the Board to consider, that otherwise would have been a hearing. This arose because of an inspection of the funeral home, where the inspector did find some violations. Case No. 20-22 was in the matter of Williams Funeral Home and Sylvester Smith. The agreement allows them 90 days to bring the funeral home into compliance.

Motion made by Curl to approve the consent agreement for Case No. 20-22, as presented, seconded by Honey, all in favor. Motion carried.

8. Board Financial Update June and July 2021

Executive Secretary updated the board on the board's financials from June and July 2021.

9. Next Meeting Date(s)

a) Monday, September 20, 2021 (1:00 p.m.) Rules Sub-Committee

b) Tuesday, September 21, 2021 (9:00 a.m.) Board Meeting and Hearings

Mr. Curl suggested the Rules Sub-Committee meet bi-monthly.

Mr. Akers stated there would be a need for a special meeting before the September meeting, due to the high-profile change of ownership of the Fort Smith Cemeteries. We are currently waiting on a final checklist of items to call a teleconference meeting.

10. Future Meeting Date(s):

a) Monday, October 18, 2021 (1:00 p.m.) Rules Sub-Committee

b) Tuesday, October 19, 2021 (9:00 a.m.) Board Meeting and Hearings

11. Adjournment

Motion made by Curl to adjourn at approximately at 10:21 AM, seconded by Hodges, all in favor. Motion carried.