

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

Tuesday, December 8, 2020

1 Commerce Way
Diamond Mine Room– 2nd Floor
Little Rock, AR
10:30 AM – 12:00 PM.

Chairman Bill Booker called the teleconference meeting to order. Member(s) present at the meeting: Commissioner, Alan McClain, Professional Member, and Steve Whitwell, Professional Member and Vice-Chair.

Members present on the call: Billy Curl, Professional Member , Rausch Hodges, Professional Member, and Josephine Perry, Senior Citizens Member.

Members absent were: Stephanie Neipling, Consumer Member , and James Bruce Smithson, Professional Member.

Staff present: Robert Akers, Director, Funeral Services Division, Eddie Davis, Security Director, Darriel Ezell, Inspector, Amy Goode, Executive Secretary, Amanda Gibson, Arkansas Insurance Department, Associate Counsel, and Amelia Vestal, Senior Securities Examiner.

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. **New Business**

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

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

1. **Persons & Taylor Family Pearly Gates Funeral and Cremation Services, LLC – Board ID No. 25331.** Requests a **Type A** establishment license and is located at 1801 Maple Street, N. Little Rock, Arkansas. Inspector Ezell inspected the Type A Full-Service establishment owned by Denise Persons on **Monday, November 30, 2020**. The manager of record will be Denise Persons, Board ID No. 24388 and embalming will be done under the direction of Garland Camper, Board ID No. 22079 at Robinson Mortuary, Board ID No. 20494. The establishment will use AR Central Crematory Service, Board ID No. 20544, in Little Rock, Arkansas for their cremations. All required documentation submitted is pending Board approval.

Denise Persons was present representing the funeral establishment.

Motion made by Whitwell, to approve the Type A Establishment of Person & Taylor Family Pearly Gates Funeral and Cremation Services, seconded by McClain, all in favor. Motion carried.

b. Perpetual Care Cemeteries Application for Permit Amendment [A.C.A. § 20-17-1011 reduction of boundaries and §20-17-1012 Transfer of Ownership]

1. To consider the reduction of boundaries of Cleburne County Memorial Gardens, Heber Springs (License No. #11777).
2. To consider the transfer of Cleburne County Memorial Gardens, Heber Springs (License No. #11777) from Heber West, Inc., Mr. Stanley R. Lemmons and Mrs. Kathryn D. Lemmons to Cleburne County Memorial Gardens, LLC, Mr. Joshua Westenhover and Mrs. Kasey Westenhover.

Josh and Kasey Westenhover were present as proposed owners and Stan Lemons current owner was present representing the cemetery. First request was the reduction of boundaries, to remove 1.8 acres that includes a house on the property, that current owners reside. The land is not a used by the cemetery. This would leave 19.67 acres and approximately 3,000 plots developed and for sale.

The cemetery is doing 50-60 interments a year and selling 40-50 plots per year.

Staff has reviewed documents. Request waiver of the \$400 fee to modify boundaries, since they have paid \$1,500 for a transfer of ownership. All monies will stay with the cemetery and Lemons will be giving away all rights to funds. Westenhover is creating Cleburne County Memorial Garden, LLC. Whitwell was concerned that the funds remain with the cemetery and in the trust. Mr. Lemons stated he was giving his word to the board, that all funds would be transferred, and Mr. Westenhover stated he was going to ensure all funds were held in the name of the cemetery. It was noted that trust documentation, must be clarified and the CD at Eagle Bank needs to be clarified before it matures.

Motion made by Whitwell to amend the boundaries and remove 1.81 acres, approve transfer of ownership, both contingent upon the following:

1. Board and staff's receipt of the trust documents that are satisfactory.
2. Satisfaction that the assets in the trust are reconciled and identified as belonging to the trust.

The cemetery would have forty-five (45) days to provide the requested documents to our satisfaction or the request would be voided, if received within the time period, then it would become final, seconded by Hodges, all in favor. Motion carried.

Motion by Curl to waive the \$400 fee to modify the reduction of boundaries, seconded by Hodges, all in favor. Motion carried.

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

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

5. **Future Meeting Date(s):**

a. **Tuesday, February 16, 2021 (9:00 a.m.) Board Meeting and Hearings**

6. **Comments and Announcements**

Commissioner McClain stated that Senator Dismang offered to sponsor any bills. Mr. Curl also stated that Senator Wallace would be willing to sponsor. Neipling indicated that Representative Deffenbaugh would be willing to help sponsor, as well. The bills are ready to be sent over to BLR. Representative Crawford is working on cemetery legislation that is constituent driven.

Gibson stated that there was a constitutional issue that won't allow a perpetual care cemetery to switch to non-perpetual care. This would not stop a city or municipality from purchasing a perpetual care cemetery, but it would have to be maintained as a perpetual care. The legislation that Representative Crawford is working on will allow cemeteries to come to the board to request funds from their principal to help maintain the cemetery. If there are sufficient funds and the board approves it.

The condition of the properties in Fort Smith has not changed, but the owners did get their annual reports filed. As far as we know, the city is still working with the owners to purchase the cemeteries. An attorney at BLR did do some research and there is not a single state that allows for some sort of decommissioning of perpetual care cemetery to non-perpetual care. If we can create an environment that makes it easier for those to operate and maintain the cemetery, then remaining a perpetual care cemetery would not be an issue. Booker stated, that if there was any member from the public, that they would continue to be supportive of such a concept that would be receptive to the city being able to do some operational improvements to the cemetery and take it over. They just can't break the promise that was made, that it will still be a perpetual care cemetery to the best of our knowledge.

7. **Adjournment**

Motion made by McClain to adjourn the meeting at 12 PM, seconded by Whitwell, all in favor. Motion carried.