

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

Tuesday, January 18, 2022

1 Commerce Way  
Diamond Mine Room– 2<sup>nd</sup> Floor  
Little Rock, AR  
9:10 AM – 1:53 PM

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

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

Staff present: Robert Akers, Director, Funeral Services Division, Eddie Davis, Security, Amy Goode, Executive Secretary, Amanda Gibson, Arkansas Insurance Department, Associate Counsel, and Josh Taylor, Board Inspector/Investigator.

1. **Call to Order** – Introduction of Board members and staff.

2. **New Business**

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

i. **Jack V. Huffmaster, Jr– Board ID. No. 23065.** Mr. Huffmaster allowed his funeral director license to lapse in December 2000 for non-payment. [Rule 1 Section 11](#). States that a licensed embalmer and or funeral director who fails to renew his/her license for a period of three (3) years or more must appear before the board for reinstatement and meet the following:

1. Was previously licensed by the Board;
2. Held his or her license or registration in good standing at the time of licensing or registration;
3. Did not have his or her license or registration revoked for an act of bad faith or a violation of a law or rule;
4. Is not currently holding a suspended or probationary license, registration, permit, or certification in any other state;
5. Is sufficiently competent. Competency may be shown by proficiency testing, letters of recommendation, or both;
6. Is able to successfully complete a criminal background check; and
7. Has successfully completed at least six (6) hours of continuing education.

Jack Huffmaster, Jr. was present representing himself. He is a fully licensed nurse and will be employed by Tri-County Funeral Home.

Motion made by Curl to approve his application for reinstatement, subject to passing the law exam, seconded by Whitwell, all in favor. Motion carried.

**b) Crematory Permit Application Approval [[§17-29-313 Crematorium Construction](#)]**

- i. Eddie and Michelle Howard | Eddie’s Family Funeral Home- Crematory Permit Application** – Requests a Crematory Construction Permit and will be located at 79 Ballpark Road, Melbourne, AR. All required documentation submitted is pending Board approval.

Deferred until next meeting. Applicants could not attend.

**3. New Business Continued**

**a) Board Member Travel Reimbursement and Stipends ([§25-16-902 Expense Reimbursement and §25-16-904 Stipend-Authorization for \\$85](#))**

- i.** Board approval of travel reimbursement and stipends for calendar year 2022, in accordance with Ark. Code Ann. §25-16-902 and 25-16-904 respectively. Amount cannot exceed eight-five dollars (\$85.00) per day. Exceptions: Teleconference meetings would not be reimbursed.

Motion made by Honey to continue reimbursement of board members per the statute, seconded by Curl, all in favor. Motion carried.

**4. 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 stated she had three (3) complaints to present to the Board for consideration.

- **Case No. 21-14** – Collectively there were four complaints filed regarding this matter. Board staff recommends this case be closed.
  1. The 2 complaints filed by two former employees did not allege conduct that would be actionable by this board, and those complaints should be closed.
  2. The consumer complaint alleged that she paid for services in full, but before the establishment would give her the sign in book, more money was demanded of her. This complaint was investigated by the Department’s Legal Division because the Board’s previous inspector had a conflict. The investigation revealed that because the funeral home was in receivership at the time, the owner of the funeral home did not know the services had been paid for in full, because the check went to the receiver. It

was an honest mistake, and the respondent verbally apologized to the complainant. The complainant's book was returned to her, as well as a \$50 anonymous donation that had been made to the funeral home to help cover costs. No violations were committed.

3. Another complaint was filed by the Board's former inspector alleging the establishment and Funeral Director/Embalmer engaged in misleading advertising. This complaint was also investigated by the Department's Legal Division and was found to be unsubstantiated.

Motion made by Whitwell to accept staff's recommendation to close Case No. 21-14, seconded by Hodges, all in favor. Motion carried.

- **Case No. 21-26** – This complaint is the owner of a competing funeral home and the former employer of the respondent (respondent was one of the complaining former employees mentioned in Case No. 21-14, # 1 above.) The complainant filed 3 complaints against the respondent, and in all those cases, respondent was acting in his capacity as coroner, which the board has no jurisdiction over. The investigation revealed no violations were committed by the respondent in his capacity as a funeral director or embalmer. Counsel advises the Board should close this case, because it has no jurisdiction over coroners, and there were no violations on the part of the respondent in his capacity as funeral director or embalmer.

Motion made by Honey to accept staff's recommendation to close Case No. 21-26, seconded by Curl, all in favor. Motion carried.

- **Case No. 21-25** – Complainant alleges that the funeral homes and the cemetery were involved in a cover up which resulted in the remains being unable to be identified or located in the cemetery. The deaths of the two decedents occurred in 1977; one establishment performed embalming, while the other performed the services. The cemetery is not a perpetual care cemetery and has no records of the decedents. The investigation revealed no violations were committed on the part of either funeral home. Staff recommends the case be closed.

Motion made by Curl to accept staff's recommendation to close Case No. 21-25, seconded by Honey, all in favor. Motion carried.

Ms. Vestal said she had one complaint to present to the board.

- **Case No. PCC21-043** – Complaint where the consumer had trouble burying their family member. The burial had been scheduled with the cemetery, but their backhoe was down. They could not get another one and kept delaying the burial. The cemetery did refund the opening/closing to the family. The family was satisfied. Staff's recommendation is to close the complaint.

Motion made by Honey to accept staff's recommendation to close Case No. PCC21-043, seconded by Whitwell, all in favor. Motion carried.

Mr. Akers wanted to mention a cemetery in the central Arkansas area, that we have received 25 or more complaints against last year and several have been received this year. The complaints are like the issues we had in the Fort Smith area a few years ago concerning the conditions of the cemetery. On December 4, 2021, Akers and Vestal visited with many those complainants that are upset with the current management company. Families have started a petition about the cemetery. The suggestion is to bring the cemetery management company in before the board.

## 5. Hearings

### a) **In the matter of Stephens Funeral Home, a Type A Establishment, Warren Stephens, a Licensed Funeral Director, Mary Stephens, an unlicensed person, and Carolyn Williams, an unlicensed person. Case No. 21-17**

Russ Galbraith, Chief Deputy Commissioner | Arkansas Insurance Department, served as Hearing Officer.

Amanda Gibson, Board Counsel, represented the Board.

Warren and Mary Stephens, Stephens Funeral Home, and Carolyn Williams, Respondents

Witnesses for the Board: Amy Goode, Executive Secretary, Jamie Lee, Complainant, and Doris Anderson

Tiffanie Harrison, Court Reporter

Hearing Officer, Russ Galbraith called the hearing on the record at 10:05 A.M. and explained the purpose of the 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.

Respondents were not present when the hearing began.

Ms. Gibson introduced Board's Exhibits 1-10 and briefly explained those documents. There was no objection by any party in attendance and those exhibits were entered into the record.

All witnesses currently present were sworn in on the record. The respondents called to inform they were on their way and would make it by 11. The Board decided to proceed, since Respondents were properly noticed, and all other witnesses were present.

Ms. Gibson stated that the Board will be presented with evidence and testimony that alleges unlicensed funeral directing, failure to give a price list to the person making funeral arrangements.

Ms. Goode was called as the first witness. Ms. Gibson inquired of the license funeral directors that work at Stephens Funeral Home. Goode stated that our records indicated that Warren Stephens, Frederick Stephens, John Farr, and Earnest Larry were recorded as working or

assisting at Stephens Funeral Home. They are all licensed funeral directors. Carolyn Williams and Mary Stephens are not licensed funeral directors.

Jamie Lee, wife of the decedent, was called. Ms. Lee is from West Helena. Ms. Lee was present during the arrangement conference and Uncle Calvin Anderson paid for the funeral. She authorized him to file a complaint on her behalf. Mary Stephens, Carolyn Williams, Jamie Lee, and Doris Anderson were present in the room during arrangements. Warren Stephens was not present. Was not given a copy of the general price list (GPL). She claims the signature on the statement of funeral goods and services was not hers.

Doris Anderson from West Helena, Arkansas, and the sister of the deceased. She was in the room during the arrangement conference. Ms. Anderson stated Warren Stephens was standing outside the room and did not participate, while Mary Stephens made the arrangements. She confirmed they were never given a GPL.

Respondents arrived around 11:15 AM and the Board took a 5-minute recess to make copies of the Respondents exhibits 1-7. Back on the record at 11:20 AM.

Mary Stephens, Warren Stephens, and Carolyn Williams were sworn in for the record. Ms. Gibson objected that the documents were not relevant to unlicensed funeral directing. It was noted on the record, but exhibits were allowed to be entered.

Warren Stephens was called and stated he was the manager of Stephens Funeral Home. He further stated that he was present and did not know there were any issues or problems until they received the complaint. The family made funeral arrangements and visited for approximately 2 hours. There is still a balance due on the funeral bill. Mr. Stephens stated price lists were presented in a folder to the family. Mary Stephens and Carolyn Williams are not licensed funeral directors or registered apprentices. Mr. Curl inquired if the family was given the folder before or after arrangements and Mr. Stephens stated after. Mr. Stephens stated he was always present during the funeral arrangements. Mr. Stephens stated he personally witnessed Mrs. Lee sign the document.

Mary Stephens was called and stated she worked at Stephens Funeral Home, and she was present during funeral arrangements and was present when Mrs. Lee signed all the documents. Ms. Stephens stated the family had the GPL before arrangements. Carolyn did not participate unless she was specifically asked a question. Mr. Booker stated for a secretary, Ms. Stephens, sure did participate a lot in the funeral arrangements.

Carolyn Williams stated she is a licensed hairdresser and sometimes helps do hair, nails, and at the funeral home, but she was not employed by Stephens Funeral Home. Stated she was not a licensed funeral director. She was at the funeral home the day the arrangements were made with Warren and Mary Stephens, Lynetta, and Jamie Lee. She did not respond to the complaint since she had just recently had a kidney transplant.

The Board went off the record at 12:24 PM for deliberations. Board went back on the record at 1:21 PM.

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

Charges were modified as follows:

C1 is true after striking Williams, C2 is true with striking “without a licensed funeral director present” board believed Mary Stephens made arrangements without a license, C3 is false, C4 is true amended as follows “failed to give the GPL to the family, at the appropriate time during the arrangement conference”, and C5 is true based on testimony she was not physically able to respond, and it was excusable.

Motion made by Curl to find charges 1 true, seconded by Honey, all in favor. Motion carried.

Motion made by Whitwell to find charge 2 true with amendment, seconded by Curl, all in favor. Motion carried.

Motion made by Honey to find charge 3 false, seconded by Curl, all in favor. Motion carried.

Motion made by Curl to find charge 4 true with amendment, seconded by Hodges, all in favor. Motion carried.

Motion made by Whitwell to find charge 5 true with amendment, seconded by Hodges, all in favor. Motion carried.

Motion made by Curl to assess a \$2,500 civil penalty against the funeral home to be paid within ninety (90) days, Stephens Funeral Home will be on probation for 1 year, and Warren Stephens to take an additional three (3) hours of continuing education on FTC compliance within ninety (90) days, seconded by Hodges, all in favor. Motion carried.

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

- a) **Monday, March 14, 2022 (1:00 p.m.) Rules Sub-Committee.**
- b) **Tuesday, March 15, 2022 (9:00 a.m.) Board Meeting and Hearings**

7. **Future Meeting Date(s) 2022:**

- a) **Monday, May 16, 2022 (1:00 p.m.) Rules Sub-Committee.**
- b) **Tuesday, May 17, 2022 (9:00 a.m.) Board Meeting and Hearings**

8. **Comments and Announcements**

- a) **Human Composting** – The staff has been contacted by Representative Brown to research this type of disposition called Natural Organic Reduction or NOR as it is also known. The deceased is enclosed in a pod with other organic material to breakdown the body into dirt. The family can take the dirt to use for composting or release the dirt to the facility for disposal. This is just to inform the board we have been approached to research and what it would take to approve such a type of disposition.

- b) **Test Committee** – The Board needs to form a committee to re-write the exam. This would need to be kept confidential, so only one (1) board member could serve on the committee to avoid public meetings. Executive Secretary stated her advice would be to allow the staff, which includes a licensed Funeral Director and Embalmer, to prepare and write the new exam questions. Board agreed.

## 9. **Adjournment**

Motion made by Whitwell to adjourned at 1:53 PM, seconded by Honey, all in favor. Motion carried.