

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

Tuesday, July 21, 2020

1 Commerce Way
Diamond Mine Room – 2nd Floor
Little Rock, AR
1:00 – 3:24 P.M.

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

Member(s) Present via phone: Chuck Dearman, Professional Member, 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, 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. **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. **Caruth-Hale Life Celebration Center – Board ID No. 25237.** Requests a [Type A](#) establishment license and is located at 2529 Airport Road, Hot Springs, Arkansas. Inspector Darriel Ezell, inspected this location on Thursday, June 18, 2020. The manager of record will be Andres Gonzalez, Board ID No. 21506 and Caruth-Hale Funeral Home, Board ID No. 20197 is to perform the embalming, under the direction of Andres Gonzalez, Board ID No. 21506. [Sunset Crematory](#), Board ID No. 20541, located at 155 Section Line Road, Hot Springs, Arkansas, will perform the cremations. The establishment is owned by Caruth-Hale Funeral Home, Inc. (Arledge Family). All required documentation is pending Board approval.

Robert Arledge and Andres Gonzalez were present and representing the funeral home.

Motion made by Curl, to approve the Type A Establishment license for Caruth-Hale Life Celebration Center, seconded by Whitwell, all in favor. Motion carried.

- ii. **Hill's Funeral Service, L.L.C. – Board ID No. 25263.** Requests a [Type A](#) establishment license and is located at 28 S. Popular Street, Marianna, Arkansas. This location currently operates as Hightower & Son's Funeral Home, owned by Oliver Hightower. Inspector Darriel Ezell, inspected this location on Thursday, June 25, 2020. The manager of record will be **Oliver Hightower, Board ID No. 22628** and **Stephens Funeral Home**, located at 257 Panama Road, West Helena, AR, Board ID No. 20311, is to perform the embalming, under the direction of **Roderick Hicks, Board ID No. 21762**. Cross County Cremations, located at 2106 Hwy 64 Spur, Wynne, Arkansas, Board ID No. 24882, will perform the cremations. The establishment is owned by Elias Hill, III. All required documentation is pending Board approval.

Elias Hill, III and Oliver Hightower were present and representing the funeral home.

Motion made by Whitwell, to approve the Type A Establishment license for Hill's Funeral Service, seconded by Curl, all in favor. Motion carried.

- iii. **Bulger Funeral Home – Board ID No. 25283.** Requests a [Type A](#) establishment license and is located at 1811 East Main Street, Booneville, Arkansas. This location currently operates as Booneville Funeral Service, owned by Denver Roller, Inc. Inspector Darriel Ezell, inspected this location on Wednesday, July 8, 2020. The manager and embalmer of record will be **Darrin R. Bulger, Board ID No. 23621**. Aaron Beasley Embalming & Crematory Service, located at 205 South 10th Street, Fort Smith, Arkansas, Board ID No. 20560, will perform the cremations and embalming, when necessary. The establishment is owned by Darrin Bulger. All required documentation, except the Certificate of Liability Insurance, is pending Board approval.

Darrin Bulger was present and representing the funeral home.

Motion made by Curl, to approve the Type A Establishment to Bulger Funeral Home, contingent the following be received after final sale and transfer, Certificate of Insurance, General Price Lists, and Statement of Funeral Goods and Services, seconded by Perry, all in favor. Motion carried.

b. Apprentice Request for Extension of Time [Rule V. Apprenticeship 4.]

- i. **Reginald Patton – Board ID No. 24651.** Mr. Patton is currently a licensed embalmer and serving his funeral director apprenticeship. His apprenticeship expires July 24, 2020 and he is four (4) cases shy of completing his apprenticeship.

Completion of his cases is the only duty he has left to complete his apprenticeship and be eligible to apply for his Funeral Director license.

Mr. Reginald Patton was present and his request for a waiver is unique from most the board has heard. Mr. Patton is requesting an extension of time and waiver of the fee. He is four (4) cases away from being eligible to apply for his Funeral Director license. He has already graduated mortuary school and met the requirements to become a licensed embalmer, meaning he has already passed his ARLRR exam some time ago.

Motion made by Curl to approve his request for extension of ninety (90) days and waiver of the fee, to complete the four (4) cases, seconded by Whitwell, all in favor. Motion carried.

4. **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. Cypress Memorial Gardens, Pine Bluff (License No. 11858) – Mr. Finley Hill, Sr., Administrator of the Dewitt Hill Estate;

Mr. Finley Hill was present representing the cemetery. The cemetery has three (3) issues: 2019 Annual Report has not been received, 2019 Trustee Report has not been received, a change of ownership has not been done, and sale funds are not being deposited. However, there are currently no consumer complaints.

Motion made by Whitwell to continue until the next meeting for staff to do an audit and assist the cemetery, seconded by Curl, all in favor. Motion carried.

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

Mr. Strickland did not appear.

iii. Forest Park Cemetery, Fort Smith (License No. 11816) – Messer’s Cleve Cotner, Tommy Fowler and Paul Gregory; and,

iv. Roselawn-Holy Cross Cemetery, Fort Smith (License No. 11817) – Messer’s Cleve Cotner, Tommy Fowler and Paul Gregory.

Cotner, Fowler, and Gregory opted not to come due to Covid-19 and other illness, though they were subpoenaed. Ms. Vestal had spoken with them and had a phone number if the board wanted to call them. The reports received were not signed or witnessed and there were no fees included.

Carl Geffken, City Administrator for the City of Fort Smith, was present, he came today because of the issue with Mr. Cotner and Mr. Fowler. He does not represent them, but there are residents of Fort Smith who have their families going back 4 or 5 generations buried in Forest Park and Roselawn-Holy Cross cemeteries. Mr. Cotner and Mr. Fowler first approached the city about taking over the cemeteries, the city was not willing take over the ownership due to the cost and that they already own a cemetery that runs in the deficit, but it is maintained. When they met with Cotner and Mr. Fowler, to ensure the cemeteries would not become abandoned, they put forth the idea of creating a 501c3 to take over the ownership with a board consisting of some of those that have family buried there. In 2016 when they first approached the city, they were not interested. However, a group of individuals of came together and have met with the city. The plan is to move forward with the 501c3 once the boards approve, then transfer ownership of the city's current cemetery to the 501c3 as well. The city would then offer a subsidiary payment (not an extension of credit) equal to the amount they use to maintain Oak Cemetery. Then slowly bringing that down until the 501c3 becomes more self-sustaining. There are several cemeteries in Fort Smith they are looking to combine into the non-profit, so they will not be abandoned, and they are maintained.

Bruce Singleton has family buried in Forest Park. He was not here to offer solutions, but to complain. However, he appreciates that the board is on top of the situation. He had not heard that the city had plans to get involved until today.

- b) **Review of the 2019 Annual Reports: determination of violation(s) and remedies for timely deposits to the perpetual care trust fund.** [[A.C.A. §20-17-1016\(c\)\(1\) Permanent maintenance fund required deposits and §20-17-1018 Violations, criminal penalties and remedies.](#)]

Ms. Vestal had a memo and other supplemental agenda information, that was included in the packets today. There are cemeteries, that have not made timely deposits into the trust, after the deeds have been paid in full. Curl suggested an audit/examination be done. Mr. Akers indicated that Audits/examinations will be resuming and those with these concerns will be first to be visited.

5. 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 three (3) complaints to present to the board for consideration.

Case No. 19-29 – Staff recommended to close this case now due the death of the complainant.

Case No. 20-17 – Staff recommended setting this case for a hearing.

Case No. 20-18 – Staff recommended closing.

Motion made by Curl to close Case No. 19-29 and 20-18 and to set Case No. 20-17 for a hearing, seconded by Whitwell, all in favor. Motion carried.

6. 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.) Regular Board Meeting

7. Potential 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.) Regular Board Meeting

8. Adjournment

Motion made by Curl to adjourn at 3:24 PM, seconded by Whitwell, all in favor. Motion carried.