

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

Tuesday, July 20, 2021

1 Commerce Way
Diamond Mine Room– 2nd Floor
Little Rock, AR
9:00 – 10:10 AM

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

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 and Eddie Davis, Director of Security.

Guests Kassidy Rankin, Legislative and Agency Affairs, Office of Governor Asa Hutchinson, and an intern was also present.

Mr. Smithson was absent at the start of the meeting.

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) **Burial Associations – Request for Dissolution** (*§23-61-1110 Burial Associations Powers and Duties*)

To consider the plan of dissolution of **Yell County Burial Association**, Colorado Springs, CO. Currently Dennis Haley, with Fidelity Standard Life has been maintaining and operating the burial association on behalf of the Yell County membership, as their current secretary-treasurer.

Mr. Dennis Haley was present representing the burial association.

Executive Secretary explained that Mr. Haley has been the secretary-treasurer since 2012 for the Yell County Burial Association. That the burial association was included with the Wonder State

Life that went into receivership several years prior to 2012. In 2012, the Arkansas Insurance Department did release the Wonder State Life Insurance Company out of receivership to Fidelity Standard Life. Fidelity Standard Life assumed the Yell County Burial Association with the insurance company and continued to administrate that block of business. The billing had always been done collectively together. At this time, Mr. Haley would like to step down as the secretary-treasurer and is requesting the Board to consider his proposal to dissolve the association. Mr. Haley explained that there has not been a contract funeral home for the association for years. As of June 30, 2021, the association has 176 members. The association is 95% funded. The members could opt for a cash settlement or an insurance policy for their full-face amount of certificate or be offered a paid-up policy of 110% of their face amount. Members will benefit from taking the paid-up policy. Majority of the members have a Wonder State policy. Mr. Dennis Haley represented to the Board that Fidelity Standard is in good standing in the State of Arkansas and finically able to fulfil the promise of these policies, if they were to issue them. Staff was agreement that there was no reason to deny or delay the request for dissolution. Mr. Curl requested a report of a breakdown of what each of the members chose to do.

Motion made by Whitwell, to approve to the request of dissolution and plan of dissolution of the Yell County Burial Association, as filed by Dennis Haley, secretary-treasurer, on behalf of the membership, would include an offer by Fidelity Standard Life to provide a policy of up to 110% of the face value of the existing burial certificate or a cash option to receive 95% of their current face value of their certificate, also to include an itemized breakdown of the dissolution to what each member received, seconded by Neipling, all in favor. Motion carried.

Mr. Haley said they hoped to have this done by September 30, 2021 and will provide a report as to the disbursements made to the individual member or to Fidelity Standard. He further stated he would send reports as it goes along each month. It may take a few more months to get all the members to respond. If some members have not responded in sufficient time to the request, Mr. Haley agreed to come back to the board for further direction on handling those members who have not responded.

b) Perpetual Care Cemeteries Application Permit- Transfer of Ownership (*§20-17-1012 Permit-Transfer of Ownership*)

To consider transfer of ownership of **Smith-New Rosemont Cemetery**, Benton (License No. 11843) from Smith-New Rosemont Cemetery, LLC (Jeff Smith) to Rorie-House Properties, LLC (Jeff Rorie and Daniel House).

Jeff Smith, Jeff Rorie, and Daniel House were present presenting the cemetery. Mr. Rorie currently owns three (3) cemeteries, Shadowlawn, Rockport Memorial, and Rest Haven in Malvern.

Ms. Vestal clarified that they were asking the board to waive the CPA requirement, because it is a new company and CPA wouldn't really have anything to provide other than the bank statement, so they are requesting a waiver of the CPA documentation. It's expense and they are a new company, and the CPA would not have anything to validate. They provided the bank

statement to verify they have an account with at least \$5,000 dollars, which meets the requirement of the act. No pending complaints on any of their existing cemeteries. Mr. Rorie represented to the board that he is aware of the rules and regulations for perpetual care cemeteries and is familiar with the reports that must be filed annually. He stated he will submit reports timely

Motion made by Whitwell to approve the transfer of ownership application and waive the CPA requirement, seconded by Hodges, all in favor. Motion carried.

c) Embalmers & Funeral Directors – Establishments Seeking Approval

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

- i. **Barker Funeral Home – Board ID No. 20418 and Barker Crematory, Board ID No. 20569.** Requests a temporary license for a mobile home per A.C.A. §14-29-304 (h) Mobile homes or mobile units are prohibited for use as a funeral establishment or branch thereof. No mobile home or mobile units shall be used for the performance of any function or service of a funeral establishment except in case of emergency as prescribed by the board. Mobile homes, modular units, manufactured homes, and similar mobile units may be granted a replacement license on a case-by-case basis. Their funeral home and crematory were a complete loss to a fire on July 8, 2021.

Steve Barker was present representing the funeral home. There was a complete destruction of the funeral home by a fire on July 8, 2021. Wortham Funeral Home in Hardy and Conner Funeral Home in Mountain Home has offered their facilities to use for embalming and preparing the deceased for services. Conner Funeral Home owns and operates Affordable Cremations and will be doing their cremations. They have already begun the plans to rebuild the funeral home in the same location.

Motion made by Curl to approve the temporary mobile home location for Barker Funeral Home for up to one (1) year, seconded by Hodges, all in favor. Motion carried.

- ii. **Smith & Daniels Funeral Home, LLC – Board ID No. 25415.** Requests a **Type A** establishment license and is located at 809 S. Main Street, Searcy, Arkansas. Inspector Ezell inspected the Type A Full-Service establishment owned by Crystal and Sean Daniels on **Thursday, July 15, 2021**. The manager of record will be Sharon Hampton, Board ID No. 24482 and embalming will be done under the direction of Garland Camper, Board ID No. 22079 at Robinson Mortuary, Little Rock, Arkansas. The establishment will use Arkansas Central Crematory Service, Board ID No. 20544, in Little Rock, Arkansas for their cremations. All required documentation submitted is pending Board approval.

Bill Booker recused and Steve Whitwell assumed the role of chair.

Crystal and Sean Daniels and Sharon Hampton were present representing the funeral Home. Mr. and Mrs. Daniels have been apprentices for approximately 9 months. Sharon Hampton is the

licensed funeral director in charge and been licensed for four (4) years. Mr. Ezell stated the location met the requirements of a Type A Funeral Establishment.

Motion made by Hodges to approve the application for a Type A license application for Smith & Daniels Funeral Home, seconded by Perry, all in favor. Motion carried.

Mr. Bruce Smithson joined the call at approximately 9:40 AM.

Mr. Booker returned and resumed the chair of the meeting.

- iii. **Presidential Funeral Home & Cremation Services – Board ID No. 25416.** Requests a **Type A** establishment license and is located at 812 S. Reservoir Road, Little Rock, Arkansas. Inspector Ezell inspected the Type A Full-Service establishment owned Aundria Hicks on **Thursday, July 15, 2021**. The manager of record will be Javonn Couch, Board ID No. 24368 and embalming will be done under the direction of William Newsome, Board ID No. 22143 at Alpha Mortuary Service, North Little Rock, Arkansas. The establishment will use Arkansas Central Crematory Service, Board ID No. 20544, in Little Rock, Arkansas for their cremations. All required documentation submitted is pending Board approval.

Aundria Hicks, owner was present representing Presidential Funeral Home & Cremation Services. It was noted that the manager Javonn Couch was not present. Mr. Ezell state he inspected the facility, and it was noted they did not have the required number of caskets yet and no furniture in the chapel, otherwise it met the requirement. The board had some concerns about the funeral home number as it's an out of state phone number associated with it. They do have a 1-800 number and will provide it. Ms. Hicks is not a licensed funeral director. She confirmed she is aware and familiar with the FTC funeral rule and is aware it does apply to all funeral homes. She is aware of price disclosures, etc.

Motion made by Smithson to approve the Type A license application for Presidential Funeral Home & Cremation Services, seconded by Neipling, all in favor. Motion carried.

d) Burial Associations – Semi-Annual Report Update

[[A.C.A. §23-78-120 Semiannual Reports](#)]

Mr. Akers stated that Mr. Hillery had to be out of the office today but had updated him we still have seven (7) burial associations with outstanding December 2020 reports. Plans to have Mr. Hillery get on the road to collect the missing data for those associations. The June 2021 reports will be due September 15, 2021, since the law changed effective July 29, 2021.

e) Perpetual Care Cemeteries – Annual Report Update.

[[A.C.A. §20-17-1023. Annual Report of Condition of Cemetery Company](#)]

Ms. Vestal stated reports were due March 16, 2021 and we still have three (3) cemeteries that have not filed their reports and are not licensed. Vestal recommends one can be issued a letter of caution since they have never had any issues before, another must reappear before the board, and

the other that has not filed a report and needs to come back before board as well. If the letter of caution isn't sufficient then we can bring before the board.

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. Vestal stated she had one (1) perpetual care cemetery complaint that we recommend being closed.

PCC21-012. Complaint concerned a private family mausoleum that the cemetery owner pointed out to the family, that there was an issue with it sinking, which was placed prior to the new owners of the cemetery taking it over. The family needs to seek a third-party licensed and bonded professional to come out and see if it can be lifted and have it done properly.

Motion made by Smithson to accept staff's recommendation to close PCC21-012, seconded by Curl, all in favor. Motion carried.

Ms. Gibson stated she had three (3) funeral director and embalmer complaints to present to the Board.

Case No. 20-03. In the matter of A Funeral Establishment and a Dually Licensed Individual. A lengthy investigation revealed a practice of unlicensed embalming at the establishment. Staff recommends the Board set the matter for a hearing.

Case No. 21-15. In the matter of an Applicant for Reinstatement of Funeral Director's License. The funeral director license lapsed January 1, 2020, and subsequently the applicant was convicted of a disqualifying felony. Staff recommends the Board set the matter for a hearing to determine whether the request should be granted.

Case No. 21-16. In the matter of an Applicant for Re-Registration as a Funeral Director Apprentice. Applicant did not disclose his felony conviction on the initial application for apprentice funeral director in 2014, at a time when the Board did not conduct criminal background checks on applicants for apprenticeship. The applicant did not complete the apprenticeship and now seeks to re-register as an apprentice, and requests that the felony convictions be waived.

Motion made by Curl to accept the staff's recommendation to set all three cases for a hearing, seconded by Smithson, all in favor. Motion carried.

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

a) **Monday, August 16, 2021 (1:00 p.m.) Rules Sub-Committee**

b) **Tuesday, August 17, 2021 (9:00 a.m.) Board Meeting and Hearings**

6. **Future 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

7. Comments and Announcements

8. Adjournment

Motion made by Smithson to adjourn at 10:10 AM, seconded by Neipling, all in favor. Motion carried.