

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

Tuesday, June 15, 2021

1 Commerce Way
Riverview Room– 2nd Floor
Little Rock, AR
9:02 AM – 2:30 PM.

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

Member(s) absent Billy Curl, Professional Member, Commissioner Alan McClain, Consumer Member, and Stephanie Neipling, Consumer 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, and Amanda Gibson, Arkansas Insurance Department, Associate Counsel. Eddie Davis, Security Director and Logan Smedley, Intern.

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. **Hearings**

- a) **In the matter of Jarrett Funeral Home and Issachar Jarrett, a Licensed Funeral Director, Bobby Love, Registered Apprentice Funeral Director, Gary Wolfe, a Licensed Funeral Director, and Delores Love, an unlicensed person. Case Nos. 20-23 and 20-28.**

Gray Turner, Attorney Specialist | Arkansas Insurance Department, served as Hearing Officer. Amanda Gibson, Board Counsel, represented the Board.

Bonnie Parker, Court Reporter.

Issachar Jarrett and Jarrett Funeral Home, Bobby Love and Delores Love Respondents

Gary Wolfe and Wolfe Brothers Funeral Home and Cremations, Respondents.

Witnesses: Imogene Swift and Jessie Mitchell Complainants.

Darriel Ezell, Inspector

Court Reporter swore in witnesses.

Hearing Officer, Gray Turner called the hearing on the record at 9:09 A.M. 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 1 containing fifteen (15) exhibits prepared to enter into the record. There were no objections to the exhibits, and they were published.

Ms. Gibson stated she had one correction to make on the record. The notice of hearing states that Delores Love is registered as an apprentice funeral director, but she is not a registered apprentice.

Ms. Gibson stated that we are here today in the matter of Jarrett Funeral Home, Issachar Jarrett, Bobby Love, Delores Love, Gary Wolfe and Wolfe Brothers Funeral Home, a case involving mistaken identity. You will see and hear evidence that the wrong funeral home was called and therefore, it was the wrong funeral home, that made the removal. You will also hear about some disagreements that ensued about the transferring of the body to the funeral home that the family desired to use.

Jessie Wright Mitchell resides in Blytheville, Arkansas. Helen Mitchell the deceased is her grandmother by marriage. She was present at the time of the removal, along with Imogene Swift daughter of the deceased, son Percy Wright, hospice nurse Katryse McDonald and grandkids. The family was told by the hospice nurse Katryse McDonald, that she had to be the one to contact the funeral home. She did know who the people were that came to make the removal until the next day. Ms. Love brought a folded paper to her and Mitchell stated her mother-in-law Swift (daughter of deceased) was the next of kin. According Mitchell, Love insisted she could sign it. She further explained, that Love inquired which funeral home she wanted. Mitchell stated she called Wolfe Brothers, Love asked which Wolfe. Mitchell stated the Wolfe on Main Street and Gary Wolfe.

Ms. Mitchell demonstrated how the paper was folded. She stated she believe the writing did not look like hers. It did not say it was a release form to Jarrett Funeral Home. Or she did not see who it was to release to, because it was folded. Ms. Mitchell inquired several times of Ms. Love; she was not the person to sign the release form. Especially, since Ms. Swift the daughter of the deceased was available.

Ms. Mitchell stated she arrived at Jarrett Funeral Home probably 7:30 or 8 AM, on September 19th. Initially, her and her son were on their way to Wolfe Brothers and her son called Gary Wolfe to let him know they were on their way. That is when they found out he did not have their loved one. They had prepaid everything just days before because they knew she was about to pass. They called Jarrett and stated there was mistake, because Wolfe Brothers is supposed to have their loved one. Jarrett stated, "no that they had contacted them and authorized the release to his funeral home." She states he told them, that he would be there in about 30 minutes. They

waited 4.5 hours and that is why she called the police and the newspaper around 11:30 am. Called them to make sure nothing got out of hand.

The \$725 fee owed to Jarrett Funeral Home for pick-up and embalming, was paid by Imogene Swift. Joey Wolfe paid \$720 in cash to Jarrett and the family reimbursed Wolfe for half of it at the time they finalized arrangements with Wolfe Brothers.

Mr. Whitwell clarified that the hospice nurse called the funeral home. He asked how she got the number. Mitchell stated that the hospice facility has contacts for the local funeral homes. The hospice nurse Katryse McDonald stated she had to call the funeral home. When McDonald called Jarrett answered. McDonald inquired if this was Wolfe Brothers Funeral Home, he said yes.

Mitchell said the Loves did not identify themselves when they arrived.

Imogene Swift, daughter of the deceased Helen Mitchell, stated that she was present at the Mitchell home when her mother passed. Ms. Swift stated she didn't know the individuals that arrived to make removal. Ms. McDonald had called, and she had him on speaker phone. She asked if this was Gary Wolfe and he stated he was Gary Wolfe. She informed him he had a body to pick up.

Ms. Swift stated when they arrived, they asked who was in charge. She informed them Ms. Mitchell was in charge. When she heard Ms. Mitchell say she shouldn't sign, she started back into the room. The lady (Love) told her she (Mitchell) could sign it. Ms. Swift stated they informed the Loves multiple times they wanted the Wolfe on Main. That the Loves never identified themselves or who they were with. Family assume they were with Gary Wolfe.

Percy Wright was called. He reiterated all the previous statements and that Ms. McDonald called when they answered, she asked if they were Wolfe Brothers on Main Street. He said yes, when the Loves arrived, they did not announce who they were. They talked to his son because he opened the door. Mr. Wright assumed they were with Wolfe. Wright had to pick up his grandmother and place on the gurney, because Love could not lift her himself. Mr. Wright stated that Jarrett told him that his DBA was Wolfe Brothers.

Bobby Love stated he was retired military and an apprentice at Jarrett Funeral Home. He stated, he informed the family he was Bobby Love with Jarrett Funeral Home when he entered the home for removal. He continued to say, that he never claimed he was with Wolfe Brothers after they changed the name. He further stated, he was sure to carry business cards and gives them a card upon arrival. The only time he announced who he was, was when he arrived, and Mr. Wright's son (12) answered the door. He stated he did not have a card with him that day. He also thought the young man that answered was around 17.

He also did not have his business card with him today.

Delores Love from Blytheville, AR. She is retired Army and does not work at the funeral home. She does assist her husband occasionally with removals. Ms. Love stated that Ms. Swift was

there and that she was exiting as they were entering. She had time to ask her, who she was and that her mother was Helen. She gave her their condolences and since she was leaving, she asked her who was to sign the release form. Ms. Swift told Love that her daughter-in-law Jessie Mitchell could sign it. Love stated she did not announce who she was. Ms. Swift told her about losing her husband a few months before and she asked her who handled his service, and Swift stated Wolfe. Love stated that was all that was said, and she thought she had been unhappy with Wolfe if they had called them. Ms. Love was shocked and figured they did not do a good job. She never stated you all did his service or anything.

Issachar Jarrett owner and operator of Jarrett Funeral Home. He received a call to pick up Helen Mitchell and he did send the Loves to make the removal. He was contacted between 8-9 AM the next day, with a request to transfer the body to Wolfe Brothers Funeral Home. He received a call from Percy Wright that they had messed up and sent their grandmother to the wrong funeral home. He told Mr. Wright to have Mr. Wolfe call him to plan to pick her up, because it was a Saturday. He told them he was in Jonesboro and give him time to get back.

Jarrett stated he was the only person that handles money transactions, since he is the funeral director and believes it to be funeral director business, not someone unlicensed. Joey Wolfe paid the removal fee. He kept Wolfe Brothers for Tax ID purposes and his DBA is Jarrett Funeral Home. He stated he answered the phone Shawn, Jarrett Funeral Home. His website does contain some outdated information. He failed to remove some photos from website after the name was changed.

Mr. Booker stated that once you realized you were not going to get the service, your plans changed. Mr. Jarrett stated he told Wright to have Wolfe Brothers call him, so he believed he had time to run to Jonesboro to pick up programs and supplies for a 2 o'clock service.

He took Helen Mitchell to Tri-City to store her since it was late at night. He went to get her the next morning to take her to Paragould to embalm, but before he could do that, he received the call from Mr. Wright and that she was at the wrong funeral home. Instead of taking her to Paragould he took her back to the funeral home in Blytheville around 9 AM waiting on Wolfe Brothers to call and schedule time to meet and pick up the body.

Gary F. Wolfe with Wolfe Brothers Funeral Home and Cremation. He stated they were at Jarrett Funeral Home at 8 AM and Jarrett didn't come with the body at 9 AM.

Mr. Booker pointed out that he was using a funeral bill that had the West Memphis address and the FTC would not approve. He stated that it was because funds were incorrectly sent to Jarrett Funeral Home which was previously Blytheville Wolfe Brothers.

Darriel Ezell Inspector/Investigator stated he spoke with Katryse McDonald on October 30, 2020, the hospice nurse for Ms. Mitchell. When Mitchell passed McDonald called the number in their Unity Hospice System for Wolfe Brothers Funeral Home. McDonald stated she could not remember how the phone was answered. Ms. McDonald further told Mr. Ezell that when the Loves arrived to make the removal, they stated they were from Wolfe Brothers Funeral Home. The old signs have been removed from the building. Mr. Whitwell inquired about the testimony

concerning the toe tag. Mr. Ezell said that as for identifying the body that should have been done immediately after the removal was made and especially if you will be leaving with a third-party provider.

Ms. Gibson gave a closing statement, board members you have heard the different sides of the story and you are now charged with determining what sanctions, if any should be handed down to the respondents. You will have to weigh the testimony and sworn statements to decide in the case.

The board went off the record at 11:56 AM to deliberate the allegations and charges,

Allegation 2 was amended to add “and embalmer.”

Allegation 3 was amended to read “Bobby Love is a registered apprentice funeral director and employed at Jarrett Funeral Home. Delores Love assisted Bobby Love in his duties as an apprentice funeral director.”

Allegation 10 was amended to state “The family made funeral arrangements for Ms. Mitchell in advance on September 16, 2020.

Allegation 15 was amended that Bobby Love introduced himself as being from Jarrett Funeral Home to a young man that answered the door, that was a minor.

Allegation 22 was amended to read Jarrett Funeral Home’s website contains photos of the exterior of the establishment. However, the website photographs show the signage on the building Wolfe Brothers Funeral Home. Although the signage on the building now currently says Jarrett Funeral Home.

On the record 1:03 PM.

Motion made by Hodges to find allegations 1-2, 4-9,11-21, 23 true, seconded by Whitwell, all in favor. Motion carried.

Motion made by Curl to amend allegation 3, seconded by Hodges, all in favor. Motion carried.

Motion made by Hodges to amend allegation 5, seconded by Honey, all in favor. Motion carried.

Motion made by Curl to amend allegation 10, seconded by Curl, all in favor. Motion carried.

Motion made by Hodges to amend allegation 22, seconded by Curl, all in favor. Motion carried.

Motion made by Curl to find allegation 25 not true, seconded by Whitwell, all in favor. Motion carried.

Motion made by Curl to find charge 1 not true, seconded by Hodges, all in favor. Motion carried.

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

Motion made by Whitwell to find charge 3 true, seconded by Honey, all in favor. Motion carried.

Motion made by Whitwell to delete charge 4, seconded by Hodges, all in favor. Motion carried.

Motion made by Honey to dismiss charge 5, seconded by Hodges, all in favor. Motion carried.

Motion made by Curl to issue a letter of caution to Mr. Bobby Love and Mr. Issachar Jarrett as the supervisor of Love's apprenticeship, seconded by Hodges, all in favor. Motion carried.

Motion made by Curl and seconded by Hodges to order the following:

1. That within thirty (30) days, to have all phone numbers associated with Jarrett Funeral Home to clearly reflect the name of Jarrett Funeral Home on Caller IDs,
2. Jarrett Funeral Home shall remove from their website all information and references pertaining to Wolfe Brothers.
3. Jarrett should notify the Mississippi County Coroner, medical examiner, nursing homes, and area hospice facilities the correct contact information in writing within thirty (30) days.
4. That the establishment license of Jarrett Funeral Home be suspended for a period of 1 year. However, the suspension shall be held in abeyance on the condition that no other violations are committed by Jarrett.

All in favor of the above motion. Motion carried.

Record was closed at 1:21 PM

4. **Lunch Break (1:22 PM)**

Meeting resumed at 1:58 PM.

5. **New Business**

- a) Perpetual Care Cemetery Rule 2 Withdraw from Permanent Maintenance Fund. The rule was presented to the full board for consideration to move forward with the next step in the rule making process.

Motion made by Honey to approve Rule 2 and to move forward with the rule making process, seconded by Whitwell, all in favor. Motion carried.

6. **Old Business**

- a) **Burial Associations – Semi-Annual Report Update**
[[A.C.A. §23-78-120 Semiannual Reports](#)]

M. Hillery indicated that there were six (6) associations with outstanding reports as of the date of this meeting. One has been submitted but has yet to submit the payment for the report and late fee. A total of seven (7) reports are currently outstanding.

b) Perpetual Care Cemeteries – Annual Report Update.

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

Ms. Vestal stated that you received just before the meeting, the spreadsheet regarding the reports that are received. There are 104 licensed cemeteries, and they have 75 days to file their annual report. It was due by March 16, 2021 this year. Out of the 104 we have three (3) cemeteries that are unlicensed, and we have not received their reports. We have had trouble in the past from two of them, one received a letter of caution and the other one was brought before the board. The last one has never been late before and we are working with them to get the reports done. There was a total of eighteen (18) that we had trouble with, including those three (3). The rest of them, we had issues with late deposits into the trust, specifically two (2) that made no deposits to the trust fund. Ms. Vestal stated she is currently trying to complete a desk audit of their contracts to see how late their deposits have been. There have been several errors in the reports that have had to be worked out with them to correct.

7. Administrative

a) Approval of the May 18, 2021, meeting minutes

Motion made by Hodges to approve the May 18th meeting minutes as presented by staff, seconded Honey, all in favor. Motion carried.

8. 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 had six (6) complaints to present to the board and staff recommends them for closure.

PCC21-009. The cemetery wasn't verifying ownership to the complainant. They wanted verbal and written confirmation that their plot was still theirs. They provided that and complainant was satisfied.

PCC21-008. Complainant went out to the cemetery to find their family members and the markers weren't there and they were unhappy with the overall conditions of the cemetery. The cemetery since the family's visit, has mowed, cleaned the property, and marked where the family markers were. Complainants were satisfied.

PCC21-004. Another complaint about the overall conditions of the cemetery. The conditions have been resolved.

PCC21-007. Complainant paid for some work to be done and the work was to put bedrock down around the monument to keep the monument from sinking, the cemetery was taking longer

to do it then the family thought it should. The cemetery refunded the money to the complainant. Staff recommended to complainant to work with the cemetery and a third-party, licensed, and bonded monument company to have the monument set.

PCC21-006. Conditions of the cemetery and family markers were sinking, family went out and fixed them, but it was not in compliance with the cemetery's rules, so the cemetery removed the markers. Staff also recommended that the family do the workorder for the cemetery to do the bedrock and set the monuments, per their rules and regulations or to hire a licensed and bonded third-party monument company.

PCC21-005. This was contract matter between the cemetery and the complainant. The cemetery did not respond to the workorder to have their monuments located and raised. Staff recommended that the family hire a licensed and bonded third-party monument company.

Motion made by Curl to accept staff's recommendation to close these six (6) complaints, seconded by Hodges, all in favor. Motion carried.

9. Board Financial Update May 2021

Executive Secretary gave an update on all the financials for the different entities that make up the board.

10. Next Meeting Date(s)

- a) Monday, July 19, 2021 (1:00 p.m.) Rules Sub-Committee**
- b) Tuesday, July 20, 2021 (9:00 a.m.) Board Meeting and Hearings**

11. Future 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**

12. Comments and Announcements

The big rule for the embalmers and funeral directors has been approved by the Governor's office and is now ready to start the promulgation process.

13. Adjournment

Motion made by Honey to adjourn at 2:30 PM, seconded by Curl, all in favor. Motion carried.