

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

Tuesday, March 16, 2021

1 Commerce Way
Riverview Room– 2nd Floor
Little Rock, AR
9:02– 10:26 A.M.

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: Commissioner Alan McClain, 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, Lorin Hillery, Auditor, Amelia Vestal, Senior Securities Examiner, and 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. **Administrative**
 - a) **Approval of the February 23, 2021, meeting minutes.**

Motion made by Curl to approve the February 23, 2021, meeting minutes as submitted by staff, seconded by Hodges, all in favor. Motion carried.

4. **New Business**
 - a) **Embalmers & Funeral Directors – Establishments Seeking Approval**
[[A.C.A. §17-29-304 Funeral Establishment – Requirements, §17-29-305 Examinations – Licenses](#)]
 - i. **Humphrey Funeral Service Crematory – Board ID No. 24530.** Requests a **Type C** establishment license and is located at 2801 West Main Street, Russellville, Arkansas. Inspector Ezell inspected the Type C Crematory establishment, owned

by Jim Bob and Betty Humphrey, on **Thursday, February 25, 2021**. The primary operator will be James Humphrey, Board ID No. 23495. Applicants were granted a permit to construct the crematory on June 3, 2019. All required documentation submitted is pending Board approval.

Jim Bob Humphrey and James Humphrey were present representing the crematory. They installed the American Crematory Equipment Co., Unit A-250. The crematory will be slated the Jesse Herman Humphrey Dignity Memorial Cremation Center.

Motion made by Curl to approve the Type C license, seconded by Whitwell, all in favor. Motion carried.

- ii. **Vance-Wilson & Jarrett Funeral Directors – Board ID No. 25376.** Requests a **Type A** establishment license and is located at 106 East Elm Street, Morrilton, Arkansas. Inspector Ezell inspected the Type A Full-Service establishment owned by Samuel L. Vance, II. on **Wednesday, March 10, 2021**. The manager of record will be Johnetta Lewis, Board ID No. 24427 and embalming will be done under the direction of Samuel L. Vance, Board ID No. 22274. The establishment will use Bishop-Crites Crematory, Board ID No. 20558, in Greenbrier, Arkansas for their cremations. All required documentation submitted is pending Board approval.

Samuel L Vance and Johnette Lewis were present representing the funeral home. This facility currently operates as Wilson-Jarrett Funeral Home and Mr. Vance has purchased the location and is applying for a new license to operate under the new name.

Motion made by Whitwell to approve the Type A license, seconded by Hodges, all in favor. Motion carried.

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

- i. **Richard Lourcey – Board ID. No. 24272.** Mr. Lourcey allowed his funeral director's license to lapse for non-payment December 31, 2017. [Rule IX. 4.](#) States that when any person is in arrears for more than three (3) years, is required to pay delinquent fees of (\$460.00), in addition to appearing before the Board. Mr. Lourcey passed his background check and is pending Board approval.

Richard Lourcey was present representing himself. Mr. Billy Curl recused himself. Mr. Lourcey stated he previously worked at Cobb Funeral Home in Blytheville and relocated to Missouri in 2017 and until recently did not have an opportunity to work as a Funeral Director. Now that he has that opportunity, he would like to bring his license current, so that he may apply for licensure in Missouri.

Motion made by Whitwell to approve the reinstate Funeral Director license of Richard Lourcey upon receipt of the fees, seconded by Hodges, all in favor. Motion carried.

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

Mr. Akers stated that we had extended the deadline to file the reports to Tuesday, February 23, 2021 due to the inclement weather in February. Some extensions had been requested prior to the extension. Mr. Hillery stated that we have received 120 of the 130 as of Friday, March 5, 2021. Even with the pandemic and inclement weather most have been received on time and complete.

Senator Wallace did file a bill to extend the deadlines on the semi-annual report due dates, so they will have an additional thirty (30) days to file those, if it passes. Mid-year will be due by September 15th and year-end will be due by March 15th.

d) Perpetual Care Cemeteries – Request for additional time to file 2020 reports.
[[A.C.A. §20-17-1023. Annual Report of Condition of Cemetery Company](#)]

- i. Haven of Rest Cemetery (License No. 11823) – Little Rock
- ii. Rest in Peace Cemetery (License No. 11848) – Hensley

Ms. Stephanie Webb requested a sixty (60) day extension to file the annual reports due to health reasons. The Trustee reports have been filed by the bank. Ms. Vestal explained she informed Webb, that she could grant two weeks, but that a request for more than thirty (30) days would require board approval. Ms. Webb requested to seek board approval.

Motion made by Whitwell to grant thirty (30) days from March 16, 2021, seconded by Hodges, all in favor. Motion carried.

5. Old Business

a) Funeral Director and Embalmer Rules Discussion

Act. 343 (HB1226) passed, which allows for the board to grant a loan from the permanent maintenance fund. HB 1141 is still waiting and HB 1140 with the amendments to the embalmers law was passed.

Ms. Gibson stated that she needed to go over the feedback from the Governor's office on the Embalmers and Funeral Director's proposed rule changes.

Motion made by Curl to approve the amendments suggested by the Governor's office, seconded by Hodges, all in favor. Motion carried.

6. Complaints

Ms. Gibson stated she had five (5) complaints to present to the board for consideration.

- **Case No. 17-32** – Respondent was given probation and a fine and ordered to complete additional CE as a result of a consumer complaint that involved FTC violations. Respondent appealed to Circuit Court in Miller County and did not ask for a stay at the time of the appeal, meaning that he was still obligated to comply with the Order, regardless of the appeal. The judge ruled in the case in late January and affirmed the Board's decision, meaning that now he must comply with the Board's Order, meaning that now he must comply with the Board's Order. Recommendation: Set for hearing to address the noncompliance with the Board's order.
- **Case No. 19-27** – Complainant is the step-niece of the decedent. She had not spoken to the decedent for 15 years prior to death. The only person around to make arrangements was a friend of the decedent who was also the beneficiary on the life insurance policy. The friend arranged and paid for the cremation, and the complainant is upset that the cremains were returned to the friend instead of her. The funeral home did not commit any violations. Recommendation: Close complaint for lack of violations.
- **Case No. 19-32** – The decedent died in 2016. The family questioned the cause of death (they believe the wife of the decedent poisoned him). The family also believes there may be an issue because the coroner and deputy coroner work at the funeral home. The prosecutor had also advised the family at some point, that a death investigation years after the fact was likely not possible. Recommendation: Close complaint for lack of violations.
- **Case No. 21-05** – Applicant for Apprentice Funeral Director requests waiver of prior felony conviction to apply as an apprentice. Recommendation: Set for a hearing.
- **Case No. 21-06** – The complainant became irate and threatening when he was asked to wear a mask. He cursed at funeral home employees, and later threatened the funeral director, at the funeral home and later at the residence of the funeral director. A police report was made as a result of the harassing communications and actions of the complainant. Recommendation: Close complaint as there were no violations.

Motion made by Hodges to set Case No. 17-32 and 21-05 for a hearing, and to close Case No. 19-27, 19-32, and 21-06, based on recommendations by staff, seconded by Whitwell, all in favor. Motion carried.

Ms. Vestal stated she had one (1) complaint to present.

- PCC21-003 – Consumer was complaining about the conditions around their headstone and burial spot. The cemetery responded by cleaning up and fixing the issues. Recommendation: Close complaint.

Motion made by Curl to close PCC21-003 per recommendation, seconded by Hodges, all in favor. Motion carried.

7. Next Meeting Date(s)

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

8. Future Meeting Date(s):

- a) Monday, May 17, 2021 (1:00 p.m.) Rules Sub-Committee**
- b) Tuesday, May 18, 2021 (9:00 a.m.) Board Meeting and Hearings**

9. Adjournment

Motion made by Hodges to adjourn at 10:26 AM to the Rules Sub-Committee meeting, seconded by Curl, all in favor. Motion carried.