

Arkansas Burial Association Board
Public Hearing and Board Meeting

MINUTES

Wednesday, October 22, 2014 11 a.m.
101 East Capitol, Conference Room C
Little Rock, AR

Chairman Steve Ballard called the meeting to order. Members present were: Vice Chair Haylee Harris-Hill via phone, Scott Berna, Chuck Dearman via phone, Normal Gilchrest, and Ronnie Ocker. Members absent were: Barbara Hovarter, and Sammie "Turner" James. Staff that were present: Amy Goode, Executive Secretary, Bob Brooke, Auditor, and Mark Ohrenberger, Board Counsel.

1. **Introduction of the Board**

2. **Public Hearing proposed rule changes discussion and public comment**

See Transcript for complete discussion concerning the proposed changes.

Motion made by Berna to approve the proposed rules as presented with the three minor changes that Ms. Goode and Mr. Ohrenberger outlined in Rules 10, 48, and 49, seconded by Gilchrest, all in favor. Motion carried.

3. **Administrative**

- a. Motion made by Gilchrest to approve the September 19, 2014 minutes as written and distributed, seconded by Berna, all in favor. Motion carried.
- b. Motion made by Berna to approve the September 2014 DF&A financial documents and trial balances as distributed, seconded by Ocker, all in favor. Motion carried.

4. **Attorney Updates- Drew County Burial Association**

Mr. Ohrenberger stated that we are no longer going to court on this matter. Drew County dropped their case against the Board. Under Rule 41 of the Arkansas Rules of Civil Procedure, a plaintiff has the right to dismissal a complaint one time without prejudice, as long as the order granting the voluntary dismissal (also known as a "nonsuit") is entered before the jury begins its deliberation. In the case of a bench trial like this, I suppose the deadline would be when the judge takes the case for her deliberation. Regardless of the deadline, this nonsuit motion is obviously timely. The question that remains is what happens to the cross-claim that Dick Horne's clients filed against the DCBA. It's his understanding that the counter claim will also be dismissed and when he receives that information he will forward it the Executive Secretary to distribute. Mr. Ohrenberger had no further updates and asked to be dismissed due to family obligations.

5. **Complaints**

a. **Murphy, Keila V. Prescott Burial Association**

The Board reviewed the complaint sent to us by the Arkansas Insurance Department via Ms. Murphy. The Board did not feel they had enough information at the present moment to take anything into consideration. The Board suggested that the Executive Secretary contact the complainant for additional information including: copy of the funeral contract, copy of the death certificate, and a copy of the policy if available. Motion made by Berna to table complaint until additional information is received, seconded by Gilchrest, all in favor. Motion carried.

6. **Meeting dates:**

- a. December 2, 2014 – 10:30 AM

- b. January 28, 2015 – 11:00 AM
- c. April 22, 2015 – 11:00 AM
- d. July 22, 2015 – 11:00 AM

7. **Adjournment**

Motion made by Gilchrest to adjourn the meeting, seconded by Berna, all in favor. Motion carried.

ATTEST:

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