

**In The Matter Of:**  
*BEFORE THE BURIAL ASSOCIATION BOARD*  
*Public Hearing on Proposed Rule Changes*

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*October 22, 2014*

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*Sharon Hill Court Reporting*  
*4021 Robinwood Cr.*  
*Bryant, AR 72022*  
*(501) 847-0510*

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BEFORE THE STATE OF ARKANSAS  
BURIAL ASSOCIATION BOARD

PUBLIC COMMENTS  
RE: PROPOSED RULE CHANGES

October 22, 2014  
11:00 a.m.

A P P E A R A N C E S

BOARD MEMBERS:

Mr. Stephen Ballard, Chairman  
Mr. Scott Berna  
Mr. Normal Gilchrest  
Mr. Ronald Ocker  
Ms. Haylee Harris-Hill (via telephone)  
Mr. Charles Dearman (via telephone)

ALSO PRESENT:

Ms. Amy Goode, Executive Secretary  
Mr. Bob Brooks, Auditor

LEGAL COUNSEL FOR THE BOARD:

MR. MARK OHRENBERGER  
Assistant Attorney General  
Arkansas Attorney General's Office  
323 Center Street  
Little Rock, AR 72201

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1 P R O C E E D I N G S  
2 CHAIRMAN BALLARD: All right. We're going to  
3 get started. We have all of the quorum here now of  
4 the October 22nd Burial Association Board. We're  
5 going to introduce the -- let the board members  
6 introduce themselves and then we'll go right into the  
7 public hearing for the proposed rule changes. So,  
8 Normal, would you like to start?  
9 MR. GILCHREST: Good morning, everybody. Normal  
10 Gilchrest for Branscumb Burial Association, in  
11 Brinkley.  
12 MR. BROOKS: Bob Brooks, auditor.  
13 MR. OHRENBERGER: My name is Mark Ohrenberger.  
14 I'm not a member of the Board; I serve as the Board's  
15 legal counsel from the Attorney General's Office.  
16 MS. GOODE: Amy Goode, Executive Secretary for  
17 the Board.  
18 CHAIRMAN BALLARD: And I'm going to stop and let  
19 Haylee and Chuck introduce themselves.  
20 MS. HARRIS-HILL: Haylee Harris-Hill with Frank  
21 Reid Burial Association, in Morrilton.  
22 MR. DEARMAN: Chuck Dearman with Stephenson  
23 Burial Association from Monticello.  
24 CHAIRMAN BALLARD: Thank you.  
25 MR. OHRENBERGER: And if anybody is having

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No Exhibits.

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1 difficulty trying to hear some of the folks on the  
2 phone, and want to, you're welcome to come, you know,  
3 forward and take a closer seat if you need to.  
4 CHAIRMAN BALLARD: Yeah. I'm Steve Ballard,  
5 chair, with Roller Burial.  
6 MR. BERNA: Scott Berna with Nelson's Burial  
7 Association and Moore's Burial Association in  
8 Fayetteville.  
9 MR. OCKER: Ron Ocker from Ocker Funeral Home  
10 and Ocker Burial Association in Van Buren.  
11 CHAIRMAN BALLARD: Okay.  
12 MR. OHRENBERGER: And Sharon Hill is our court  
13 reporter this morning.  
14 CHAIRMAN BALLARD: Yeah. Welcome. Like I said,  
15 this is a public hearing for the proposed rule  
16 changes that have been posted publicly and we would  
17 welcome anyone with any, you know --  
18 MS. GOODE: Do you have a copy of this over  
19 there?  
20 CHAIRMAN BALLARD: If you want to address the  
21 Board, if you would please come to one of the seats  
22 here and then state your name and who you're with so  
23 that we can make sure we get that recorded properly.  
24 So we'll open the floor up for any discussion of the  
25 proposed rule changes.

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1 MR. OHRENBERGER: And, Mr. Crouch, if you would  
2 please just make sure you state your name for the  
3 court reporter before you start.  
4 MR. CROUCH: My name is Courtney Crouch. I'm  
5 secretary-treasurer of the Heritage Burial  
6 Association in Hot Springs, Arkansas. Thank you for  
7 the opportunity for me to talk about the proposed  
8 rules that relate to -- that the Board has adopted  
9 relating to burial associations. Burial  
10 associations, as this group knows, are a very  
11 important part of the funeral profession in the state  
12 of Arkansas. And I want to speak to Rule Number 48  
13 which is related to the mergers. And I'm not going  
14 to get specific on any of the items in here, other  
15 than there are considerable changes that have been  
16 presented to and adopted by the Board on Rule 48, and  
17 Rule 48 relates to the mergers of burial  
18 associations. And the Heritage Burial Association  
19 was formed through the merger of five burial  
20 associations approximately six or seven years ago.  
21 And it has been very good for the burial association  
22 industry, it's been very good for the membership, and  
23 it's been very good for the funeral profession. And  
24 we feel like that the rules that have been proposed  
25 are going to restrict burial associations from being

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1 merged. I think in the long-run burial association  
2 mergers are very important to the health of the  
3 burial associations in Arkansas. As burial  
4 associations and funeral homes consolidate, burial  
5 association operators may want to consider merging  
6 burial associations. And we would ask that this part  
7 of Section 48 of the mergers be tabled and looked at  
8 again because we don't think that it is in the best  
9 interest of burial associations.  
10 In the case of Heritage, we're paying five fees,  
11 basic fees. The burial associations -- the five  
12 burial associations are healthier than they've ever  
13 been, and there's such extensive changes to this that  
14 I don't -- I think it's going to preclude burial  
15 associations from being merged in the future. I  
16 could say the same thing about Rule 35, which is  
17 relating to assumptions by life insurance companies  
18 of burial associations, but there hasn't been a  
19 burial association that's been assumed by a life  
20 insurance company to my knowledge in approximately 25  
21 years and I don't see those on the horizon. And I  
22 think that probably those rules where they're not  
23 needed -- I don't think you're going to have any  
24 mergers that are going to take place with a life  
25 insurance company assuming a burial association. And

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1 that pretty well says what I want to say about that,  
2 is that we at Heritage Burial Association are very  
3 interested in healthy burial associations and a  
4 healthy burial association industry in the state of  
5 Arkansas. And I know that over the years that some  
6 of the burial associations and some of the board  
7 members have got burial associations that have been  
8 merged and have helped the burial association  
9 industry. And with that, that's all I have to say  
10 relating to the proposed rules and regulations. And  
11 I would again hope that maybe that the Burial Board  
12 would consider tabling Rule 48 with the extensive  
13 changes that are in it. Thank you.  
14 CHAIRMAN BALLARD: Thank you.  
15 MR. GILCHREST: Steve, can I ask a question?  
16 CHAIRMAN BALLARD: Yes.  
17 MR. GILCHREST: Just in reference of what you're  
18 saying on Rule 48 as far as are there -- I know you  
19 said you weren't going to be specific about that. Is  
20 there any specific -- when you say us table it and  
21 look at it, a specific section?  
22 MR. CROUCH: Well, you've got a situation in  
23 here where you've put in here some information  
24 relating to filing requirements. And when we filed  
25 our proposed merger we had an attorney draft it and

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1 bring it before the Board and it was well presented.  
2 And we had meetings with all the burial -- at each  
3 burial association before the merger we had a  
4 meeting. Right now you've got the limitation on  
5 proxies and the secretary-treasurer limitation on how  
6 many they can vote. And I think, you know, a large  
7 burial association, you know, it will preclude being  
8 able to ever merge a burial association with the  
9 number of members. Heritage Burial Association now  
10 has over 20,000, maybe 21,000 members and it would be  
11 very difficult for us to go back and to do this type  
12 of merger again, and that would be one of the issues  
13 that we have. And we're not planning on doing any  
14 mergers. I'm looking at the industry as a whole,  
15 possible mergers that would be down the line.  
16 CHAIRMAN BALLARD: Courtney, you're just kind of  
17 asking us to possibly table it and look at it again?  
18 MR. CROUCH: I think you need to look at it  
19 again. There's a lot of institutional knowledge that  
20 it takes relating to mergers of burial associations  
21 and I know that your organization has merged a number  
22 --  
23 CHAIRMAN BALLARD: Yeah.  
24 MR. CROUCH: Just like ours has.  
25 CHAIRMAN BALLARD: Uh-huh.

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1 MR. CROUCH: And this would preclude, I think,  
2 the way that it's drafted, any future mergers.  
3 CHAIRMAN BALLARD: Right. Okay. When we're  
4 talking -- and let me make a clarification too. When  
5 we're talking about Rule 48 that would include all of  
6 the -- several rules, like 48.1, 48 -- yeah.  
7 MR. OHRENBERGER: Correct.  
8 CHAIRMAN BALLARD: Okay. All right. That's  
9 what I thought.  
10 MR. CROUCH: That's correct.  
11 MR. BERNA: What's your take on it?  
12 MR. OHRENBERGER: Mine?  
13 MR. BERNA: Or do you get to have a take?  
14 MR. OHRENBERGER: I don't think I do. But let  
15 me just offer this bit of information to you for  
16 understanding the rule process. We'll hear comments  
17 from the public today; certainly, board members will  
18 have a discussion when it comes time to take a vote  
19 on the proposed rules. If there are minor  
20 insubstantial changes that need to be made from  
21 what's been published as a proposed rule, that's  
22 fine; we can make those changes as needed and just  
23 proceed forward. If we are -- if the Board decides  
24 that based on some of the comments today or some  
25 reflection on the proposed rules since they were

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1 first put out that there are changes that you want to  
2 make that are more substantive, that will require,  
3 you know, as Mr. Crouch put it, tabling it. What it  
4 will require you to do -- and you could do it one  
5 rule at a time. It doesn't mean you can't move  
6 forward with all the other rules. But say, for  
7 instance, even if the Board wanted to make changes of  
8 a larger nature to proposed Rule 48 you could pass  
9 all the other rules, go back to the drawing board on  
10 Rule 48, and you would go through the same process  
11 again where you publish it in the newspaper, put it  
12 on the Secretary of State's web page, that kind of  
13 thing, and come back for a hearing, just so everybody  
14 can appreciate the process. And the dividing line  
15 really is whether it's a substantive or a non-  
16 substantive change from what's been published and  
17 proposed and we have here in this document today.  
18 MR. BERNA: But when we were talking about the  
19 dissolution one of the things that was brought up was  
20 consistently. So if we were to make this change on  
21 48, wouldn't we need to make the same change on 35?  
22 MR. OHRENBERGER: It might be something you'd  
23 want to consider.  
24 CHAIRMAN BALLARD: If we table 48 and then later  
25 revised it, could we then make the same change to 35,

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1 even if 35 is approved today?  
2 MR. OHRENBERGER: Yes.  
3 CHAIRMAN BALLARD: Okay. Good.  
4 MR. OHRENBERGER: Yeah. I mean, basically  
5 consider anything that you don't approve today as  
6 falling away and then you're starting again.  
7 CHAIRMAN BALLARD: Okay.  
8 MR. OHRENBERGER: And so just like you could  
9 change Rule 35 today based on any changes you've  
10 noticed, you can change Rule 35 again next time if  
11 that's what you wish to do.  
12 CHAIRMAN BALLARD: Okay.  
13 MR. BERNA: So basically it just reverts back to  
14 the existing rule?  
15 MR. OHRENBERGER: Yeah. Yeah. If it's not  
16 changed. And it's not even so much reverting back;  
17 it's just never been anything else.  
18 CHAIRMAN BALLARD: Right.  
19 MS. GOODE: Right. It never was.  
20 CHAIRMAN BALLARD: Okay. Any other comments?  
21 (A FEW MOMENTS OF SILENCE)  
22 MR. OHRENBERGER: Mr. Ballard, this is not a  
23 comment from the public, just a bit of information  
24 we've gotten from the Bureau of Legislative Research.  
25 You've had a chance to look over this information as

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1 well. They've pointed out a few things we might want  
2 to -- just little cleanup things, and one is in Rule  
3 48. Again, it's up to the Board whether or not it  
4 wants to proceed with any changes to Rule 48. But if  
5 the proposed rule as presented goes forward -- I'm  
6 going to be on page 14 of the document, 48(a) -- this  
7 is the Proof of Notice of Publication about these  
8 meetings. The intent was that this would read such  
9 that the notice would be published no more than two  
10 weeks out and not less than one week prior to the  
11 meeting. And I think the way it's worded it actually  
12 would require the notice to be published more than  
13 two weeks out. So the change that would be made is  
14 in the second sentence. It currently reads "that the  
15 notice was published at least two weeks prior." That  
16 would be changed -- or I would ask the Board to  
17 consider making a change there so that it reads "that  
18 the notice was published" -- striking the words "at  
19 least" and changing it to "not more than two weeks  
20 prior."  
21 And the second item is in Rule 49, and this is  
22 on page 19. Rule 49 is the Annual License Fee rule.  
23 The statute gives the Board authority to promulgate  
24 the annual license fee. The way it's broken out here  
25 in Rule 49 with the (a) and the (b) it just makes it

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1 look like the \$600 fee is the license fee and the  
2 annual membership fee is a different kind of fee --  
3 or potentially it could be read that way. To avoid  
4 any kind of confusion, because the \$600 fee and the  
5 annual membership fee are both what makeup the annual  
6 license fee -- I believe that's been the Board's  
7 intention -- to just make this as clear as possible,  
8 in subsection (b), if the Board would add the  
9 sentence "annual membership fees are considered to be  
10 a component of the annual license fee" at the end of  
11 section (b) I think that would make everything  
12 perfectly clear. And those are both really non-  
13 substantive.

14 CHAIRMAN BALLARD: Okay. All right. If there's  
15 no other comments --

16 MS. ELERSON: I just have a question.

17 CHAIRMAN BALLARD: Sure.

18 MR. OHRENBERGER: And, ma'am, would you mind to  
19 state your name for the court reporter?

20 MS. ELERSON: My name is Debra Elerson. I'm  
21 with Henderson Burial Association. I have a question  
22 on the Rule 48(2), on page 16, where they are  
23 speaking of the plan for mergers and acquisitions.  
24 And then they say, "the plan shall include an  
25 outline, included but not limited to, a real property

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1 plan of distribution, if any." What real property  
2 would be involved with a burial association?

3 MS. GOODE: Any kind of, I think, office  
4 furniture.

5 MR. OHRENBERGER: That's personal property.  
6 Real property would be land --

7 MS. ELERSON: Land. Okay.

8 MR. OHRENBERGER: -- and buildings.

9 MS. ELERSON: I just didn't understand that when  
10 I read it. I, you know, just wanted to understand  
11 what real property would be associated with burial  
12 associations.

13 CHAIRMAN BALLARD: I don't know. That may be  
14 put in there just to kind of be an inclusive type of  
15 explanation of any type of property, period, or  
16 anything they own, is the only thing that we can -- I  
17 mean, I can think of because --

18 MR. OHRENBERGER: So if an association owns real  
19 property then it would have to be accounted for in  
20 the planned distribution.

21 CHAIRMAN BALLARD: Yeah. Yeah.

22 MR. GILCHREST: Give an example of "real."

23 CHAIRMAN BALLARD: Well, land, buildings. I  
24 don't know.

25 MS. ELERSON: Okay.

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1 CHAIRMAN BALLARD: Most of them are operated out  
2 of an existing facility, like a funeral home,  
3 something of that nature, insurance company. But I  
4 guess there could be a possibility that they own  
5 something. I don't know. I can't give an example.

6 MR. BERNA: I think it's just all-encompassing.

7 CHAIRMAN BALLARD: It is. I think it's just put  
8 in there to make sure there's not anything left out,  
9 in the event that it happens.

10 MS. ELERSON: Okay. Thank you.

11 CHAIRMAN BALLARD: You're welcome. Mark, do we  
12 -- as far as the procedure, do we take a vote based  
13 on exclusions in 48, based on what --

14 MR. OHRENBERGER: Well, you open it up to any  
15 board member to make a motion whether to --

16 CHAIRMAN BALLARD: Yeah.

17 MR. OHRENBERGER: And also to make those changes  
18 that I've outlined, whether or not you want to do  
19 that.

20 CHAIRMAN BALLARD: Yeah. Okay. There's not any  
21 other --

22 MS. ELERSON: I just have one more tiny  
23 question.

24 CHAIRMAN BALLARD: Okay.

25 MS. ELERSON: On page 12, in regard to board

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1 meetings, where it used to read "the board shall meet  
2 on the fourth Wednesday of each month," now it reads  
3 "the board shall meet when business dictates, at such  
4 time and/or place designated by the board." Okay.

5 And I just wondered then how the public would ever  
6 know. Is this meetings just in regard to mergers and  
7 acquisitions or is this board meetings --

8 MR. OHRENBERGER: No. This would apply to all  
9 board meetings.

10 MS. ELERSON: Okay.

11 MR. OHRENBERGER: And there are a couple of ways  
12 that the public would know. First of all, this  
13 applies to any agency in the state of Arkansas  
14 governed by a board or a commission. If it is going  
15 to have a formal board meeting -- or if it's going to  
16 have a board meeting -- I don't guess there's such a  
17 thing as an informal board meeting -- it has to  
18 publish notice on the Secretary of -- excuse me -- on  
19 the Arkansas Public Meetings calendar, which is an  
20 online publication on the Arkansas-dot-gov web page.  
21 You can just Google Arkansas Public Meetings Calendar  
22 -- and if you went there right now you'd see this  
23 meeting listed and you would see, you know, a dozen  
24 other meetings for today listed. Of course, you  
25 could call the board's office and check to find out

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1 when the next meeting is going to be scheduled to be  
2 published. Is that on the Embalmer Board website?  
3 MS. GOODE: Yes.  
4 MR. OHRENBERGER: Upcoming meetings are  
5 published on the Embalmer Board's website, if you  
6 wanted to check that from time-to-time. We share  
7 some facilities and personnel and equipment with the  
8 Embalmer Board.  
9 MS. ELERSON: So basically though there would  
10 not be a regularly scheduled meeting of the board.  
11 Is that correct?  
12 MR. OHRENBERGER: That's correct. And I think  
13 as it is now that hasn't been what the Board has  
14 ended up doing, having a, you know, monthly meeting,  
15 so -- and the rule always did allow there to be  
16 changes as to when that meeting would take place and  
17 so --  
18 CHAIRMAN BALLARD: As necessary.  
19 MR. OHRENBERGER: Yeah, basically as necessary.  
20 And there's one other thing I wanted to add to my  
21 comment to you about notice to the public. There's  
22 -- one basic exception to that is if a special  
23 meeting is called for something or an emergency  
24 meeting is a two-hour notice and that's done a little  
25 differently.

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1 MS. ELERSON: Thank you.  
2 MR. OHRENBERGER: Yes, ma'am.  
3 CHAIRMAN BALLARD: Okay. Any other comments,  
4 questions or concerns?  
5 MS. GOODE: On the meetings I'll just clarify  
6 too. We'll still have them on the fourth Wednesday,  
7 where possible, but we're looking at having them  
8 quarterly unless business dictates us to have them  
9 more frequently.  
10 MS. ELERSON: Thank you.  
11 CHAIRMAN BALLARD: Okay.  
12 MS. GOODE: And those have already been pre-  
13 planned for the remainder of this year and even next  
14 year.  
15 CHAIRMAN BALLARD: Okay. Any others? Unless  
16 Counsel tells me different, I see this as three  
17 different -- what was mentioned as minor changes on  
18 Rule 48 and 49, I would see that more as something --  
19 and, Chuck and Haylee, please jump in here -- but I  
20 see that as a motion to be made and a second and then  
21 a vote. And then if we go back to what Mr. Crouch  
22 presented that's more of -- that's a major; I don't  
23 see grouping those together. Now y'all can certainly  
24 propose it differently.  
25 MR. OHRENBERGER: And I'm sorry. It looks like

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1 there's one other.  
2 CHAIRMAN BALLARD: There's one other?  
3 MS. GOODE: There's one other on page 2.  
4 MR. OHRENBERGER: It's part of Rule 10.  
5 MS. GOODE: Yeah. Rule 10. At the very bottom  
6 it says "shall be paid by the contract" -- we were  
7 adding the language "by the contract funeral home  
8 association" and we're striking "association from the  
9 allowable operating expenses."  
10 CHAIRMAN BALLARD: Where's that? Which one?  
11 MS. GOODE: That's on page 2.  
12 CHAIRMAN BALLARD: Oh, page 2.  
13 MS. GOODE: Yeah.  
14 CHAIRMAN BALLARD: I thought you said 10. Okay.  
15 MR. OHRENBERGER: Rule 10.  
16 CHAIRMAN BALLARD: I got it. Okay.  
17 MS. GOODE: It was brought to our attention of  
18 by the Bureau on that one as well for adding that  
19 language "contract funeral home" and striking  
20 "association from the allowable operating expenses."  
21 But that should not be changed at all; just leave as  
22 "the association from the allowable operating  
23 expenses." It's under statute.  
24 CHAIRMAN BALLARD: Okay. Whoever makes this  
25 motion -- you may have to help us on those three.

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1 MR. DEARMAN: Mr. Chairman?  
2 CHAIRMAN BALLARD: Go ahead, Chuck.  
3 MR. DEARMAN: Yeah. This is Chuck. I'm having  
4 a little hard time understanding everything Mr.  
5 Crouch was presenting. Could you tell Haylee and I  
6 again what his concerns were?  
7 CHAIRMAN BALLARD: It's the -- I don't know if  
8 you have a copy in front of you, but it's --  
9 MR. DEARMAN: I do.  
10 CHAIRMAN BALLARD: It's the 48. It relates to  
11 some of the -- it almost kind of restricts possible  
12 ongoing mergers when funeral homes purchase other  
13 funeral homes that may have burial associations and  
14 some of the proxy issues, especially with these large  
15 memberships.  
16 MR. OHRENBERGER: Mr. Dearman, I think his  
17 primary concerns, as I understood them, were  
18 limitations on numbers of proxies and limitations on  
19 numbers of proxies that specifically the secretary-  
20 treasurer can vote. Mr. Crouch, is that -- am I  
21 essentially right in that?  
22 MR. CROUCH: That is correct. That's the main  
23 problem.  
24 MR. DEARMAN: Okay. So we can either table that  
25 particular section at this time or --

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1 CHAIRMAN BALLARD: Yeah.  
2 MR. OHRENBERGER: Or proceeding on as published.  
3 Yeah. Those are basically the two options.  
4 MR. DEARMAN: Or proceeding on. Okay.  
5 CHAIRMAN BALLARD: Yeah. And, Chuck, that --  
6 and y'all can certainly propose as you wish, but  
7 that's why I was saying that on these minor three  
8 changes I could see that being separate from tabling  
9 -- possibly tabling the merger. Because we're going  
10 to want these three to go through but I wouldn't  
11 group them in the proposal. You can certainly do it  
12 as you feel led, but I want to make sure that they  
13 get the proper consideration separately.  
14 MR. BERNA: Steve, when the rules committee met  
15 -- Normal, you're on that committee, right?  
16 MR. GILCHREST: Yes.  
17 MR. BERNA: What was the -- do you recall what  
18 the mindset or thinking was of making those  
19 particular changes?  
20 CHAIRMAN BALLARD: Yeah. One of them was trying  
21 to make sure that the membership would be notified;  
22 at the same time, not giving the secretary-treasurer  
23 just the ability to be there basically and if no one  
24 showed up just being able to say, "I'll take all the  
25 proxies and move forward." That was some of the

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1 mindset.  
2 MR. GILCHREST: That's it exactly.  
3 CHAIRMAN BALLARD: And I'm not necessarily  
4 saying that what we have here is -- especially with  
5 the concerns we have at the hearing today, that it's  
6 exactly the way it needs to be. But at that point we  
7 felt like we got as close as we could in protecting  
8 the public and the members and even the people trying  
9 to -- because it was like, you know, this is done a  
10 lot and we certainly don't want to make it so  
11 difficult that we can't continue to pull these  
12 associations together and continue for them to be  
13 healthy and strong.  
14 MR. GILCHREST: But by the same token, we don't  
15 want -- I'll use secretary-treasurer to be all  
16 powerful, especially in a smaller association, to  
17 where they would have more power than anybody else,  
18 especially in a proxy vote. So that's why the proxy  
19 was put in there and that's why the limitations were  
20 put on the proxy and the percentages was put on the  
21 amount that the secretary-treasurer could actually be  
22 a part of, in my eyes.  
23 CHAIRMAN BALLARD: Yeah. And I think as a board  
24 we just -- when somebody -- when we get to the vote  
25 we've just got to determine if we see the need based

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1 on the concerns to just look at it again. I mean,  
2 that's pretty much what we're -- that's the way I  
3 understand that we would do it. If we table it, we  
4 would go back and --  
5 MS. GOODE: There's also possible conflict with  
6 Rule 2 and I think that was maybe some of the reason  
7 for that as well. So maybe we might even look at  
8 Rule 2.  
9 CHAIRMAN BALLARD: Yeah.  
10 MR. BERNA: Rule 2?  
11 MS. GOODE: You want me to pass it? You  
12 probably have a copy of the rulebook, a complete  
13 copy. We weren't making any changes to it, so it's  
14 not in the proposed -- and it's page 18 in my book.  
15 Is it the same for y'all?  
16 CHAIRMAN BALLARD: Yeah.  
17 MR. BERNA: Page what?  
18 MS. GOODE: Eighteen (18). Chuck or Haylee, do  
19 you have a copy of the full rules and regs? Do you  
20 want us to read Rule 2 for you?  
21 MR. DEARMAN: I've got mine.  
22 MS. GOODE: Okay.  
23 MS. HARRIS-HILL: I've got it. The one that I  
24 have in front of me actually is the --  
25 MS. GOODE: Just the proposed?

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1 MS. HARRIS-HILL: Proposed.  
2 MS. GOODE: Okay. Rule 2 states, "Owner of  
3 Funds. Since burial associations are nonprofit  
4 mutual benefit societies, all assessments, dues  
5 and/or other funds of whatever kind or character,  
6 collected or received by them over and above  
7 necessary expenses (which in no event may exceed 25%  
8 of its receipts for any given period), shall be and  
9 remain the property of the association for use and  
10 benefit of its members only."  
11 MR. BERNA: And you say there's a concern there  
12 might be a conflict?  
13 MS. GOODE: Right. With merging.  
14 MR. GILCHREST: Are you saying there was a  
15 conflict, is the reason for the wording, a conflict?  
16 It seems like to me we talked about that. We changed  
17 that wording so it wouldn't conflict.  
18 MS. GOODE: I think -- I'm not a hundred-  
19 percent. I mean, maybe our attorney can -- Mark can  
20 maybe help us moving forward. But can we create  
21 another rule that changes -- I mean, it still  
22 contradicts, I think, Rule 2 to an extent. That's  
23 just giving the members more notice about what the  
24 association is wanting to do.  
25 MR. GILCHREST: Right.

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1 MS. GOODE: That's what I think.  
2 MR. GILCHREST: And that was our concern was  
3 that we weren't -- the members -- if I remember right  
4 -- help me, Steve -- that the members -- to make sure  
5 that the members had notification, as well as the  
6 secretary-treasurer, and that's why we put  
7 percentages in there and made sure the power was more  
8 to the members than the secretary.  
9 MS. GOODE: Right. And we were just trying to  
10 be consistent because there were three very similar  
11 rules --  
12 MR. GILCHREST: Right.  
13 MS. GOODE: -- and we were working on those all  
14 together.  
15 CHAIRMAN BALLARD: All right.  
16 MS. ELERSON: Mr. Ballard?  
17 CHAIRMAN BALLARD: Yes, ma'am.  
18 MS. ELERSON: Is it too late for me to ask  
19 another question?  
20 CHAIRMAN BALLARD: No, ma'am.  
21 MS. ELERSON: Okay. I was just wondering if  
22 this has -- these changes have absolutely nothing to  
23 do with what the Board had been considering and  
24 working with a short time ago, as setting up the  
25 wording for the rules regarding dissolution. And

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1 this is totally --  
2 CHAIRMAN BALLARD: Now the "dissolution" has  
3 been completely -- we struck that.  
4 MS. ELERSON: So that's completely --  
5 CHAIRMAN BALLARD: Yes, ma'am. Nothing in here,  
6 these rule changes, has to do with the dissolution.  
7 MS. ELERSON: Okay. So -- okay. Are  
8 dissolutions allowed or not allowed at this point?  
9 Or when you say it's completely not in here, is it  
10 just a different entity or is it just something that  
11 has been completely --  
12 CHAIRMAN BALLARD: That's a good question.  
13 MS. ELERSON: -- dropped at this point? I just  
14 don't know. I'm just curious because I never heard  
15 one way or the other.  
16 CHAIRMAN BALLARD: At this point we're back to  
17 the original consensus of the Board, basically almost  
18 three years ago, was that the -- and then recently is  
19 that the Board does not have the authority to allow  
20 the dissolution, so --  
21 MS. ELERSON: Okay.  
22 MR. GILCHREST: And basically we're back in the  
23 court system.  
24 CHAIRMAN BALLARD: Yeah.  
25 MS. ELERSON: Okay.

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1 MR. BERNA: Actually, we're not.  
2 CHAIRMAN BALLARD: We're back to the very  
3 beginning before all of this ever started. And that  
4 will be talked about here shortly.  
5 MR. OHRENBERGER: It will be reported on after.  
6 CHAIRMAN BALLARD: We'll report on that here in  
7 just a minute.  
8 MS. ELERSON: Okay. I'm sorry.  
9 CHAIRMAN BALLARD: No, no, no. That's perfectly  
10 -- that's a good question; good question for  
11 clarification.  
12 MR. BERNA: So I guess the question is that  
13 Courtney basically is saying that their concern is  
14 the percentages that we're requiring are too high?  
15 CHAIRMAN BALLARD: Probably.  
16 MR. BERNA: I mean, is there a happy medium  
17 there somewhere?  
18 CHAIRMAN BALLARD: I just think it would have to  
19 be looked at. I don't know that we can -- we can't  
20 resolve that today.  
21 MR. GILCHREST: Are you opening it for  
22 discussion? Are we in discussion?  
23 CHAIRMAN BALLARD: We're in discussion.  
24 MR. GILCHREST: You know, I agree it may be  
25 something that we need to look at in this rule. But,

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1 you know, we did a lot of work on this particular  
2 rule and that's why I asked about the specifics in  
3 the rule. I don't know why we'd have to look at the  
4 whole rule. Why don't we look at those specifics  
5 that are in question rather than go back and revisit  
6 this whole rule? That's my opinion for what it's  
7 worth. If there is -- I mean, we open the floor up  
8 for discussion and if there is a specific question --  
9 that's why I asked. Why don't we look at that  
10 particular part of it without going back and  
11 revisiting this whole rule? I'm just throwing that  
12 out.  
13 MR. BERNA: I thought you had said if we table  
14 48 we're tabling the whole 48 and all the --  
15 MR. GILCHREST: Right.  
16 CHAIRMAN BALLARD: That's the way I understood  
17 it.  
18 MS. GOODE: Well, I think we might -- we'd have  
19 to. I may be wrong.  
20 MR. BERNA: I mean, can you table 48-dash-  
21 whatever and that be -- or does it have to be the  
22 whole deal?  
23 MR. GILCHREST: That's my question.  
24 MR. OHRENBERGER: Yeah. And that's a difficult  
25 question. I think that if one portion of the rule

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1 could be segregated without changing the meaning of  
2 the rest of the rule then -- golly -- yeah, that's a  
3 hard question and I'm not sure I have a yes or no  
4 answer. I would say the safer course here would be  
5 to either pass Rule 48 as it's been proposed or to  
6 not pass Rule 48 as it's been proposed without trying  
7 to change individual parts. Now if you pass it today  
8 as proposed you can start a new process and just  
9 change those one or two little things that there's  
10 question on. And if you don't pass Rule 48 today and  
11 you go back to start your process again, you could  
12 add all these same changes that you've looked at  
13 presenting right here and then just tweaking those  
14 few things. So you could do it either way; it's up  
15 to the Board which it believes is appropriate. And I  
16 guess part of that consideration is when you think  
17 you'll get around to starting that process again,  
18 whether it's going to start immediately or whether  
19 it's going to start, you know, two years from now.  
20 And also understand that each time you decide to open  
21 up your rules you're not obligated to go in and  
22 change all your rules, but you could do just one. So  
23 that's up to you guys.  
24 MR. GILCHREST: So the rule that we have now  
25 would stay intact until we did something else?

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1 MR. OHRENBERGER: Yes, sir. The rule that's on  
2 the books today.  
3 MS. GOODE: Well, there is no rule.  
4 MR. OHRENBERGER: There is no Rule 48?  
5 MS. GOODE: No.  
6 MR. OHRENBERGER: Well, never-mind. So there  
7 would be no merger rule. Is that right, Amy?  
8 MS. GOODE: That's right.  
9 MR. BERNA: So if that's the case, how did they  
10 merger five or six years ago?  
11 MS. ELERSON: Yeah, exactly. How did that  
12 happen?  
13 CHAIRMAN BALLARD: That's probably a good  
14 question.  
15 MS. GOODE: I can't answer that.  
16 MR. GILCHREST: None of us were here then.  
17 CHAIRMAN BALLARD: That's just the way it  
18 happened.  
19 MS. ELERSON: From here that's confusing. If  
20 there was no merger rule but yet mergers were done,  
21 and there was no dissolution rule but dissolutions  
22 are not allowed to be done -- so what's the  
23 difference?  
24 CHAIRMAN BALLARD: There is a lot of difference.  
25 Mergers are continuing to go; dissolutions are over

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1 with.  
2 MS. ELERSON: I understand. I understand that.  
3 CHAIRMAN BALLARD: Okay.  
4 MS. ELERSON: I understand that.  
5 CHAIRMAN BALLARD: There is a lot of difference.  
6 MS. ELERSON: Well, yes and no, because what I'm  
7 saying is if nothing within the association is  
8 approved by this body to be done without there being  
9 rules on the books to govern it, then how were some  
10 things that are -- even if there was a continuation,  
11 how were some things done without those rules having  
12 to have been put in place?  
13 CHAIRMAN BALLARD: To answer your question -- we  
14 can't answer that but this is why we were  
15 commissioned to set rules.  
16 MS. ELERSON: Okay.  
17 CHAIRMAN BALLARD: Okay?  
18 MS. ELERSON: Okay.  
19 CHAIRMAN BALLARD: That's just the truth of the  
20 matter. We can't answer that question. We can  
21 answer why we've been through this exercise, to  
22 establish rules.  
23 MS. ELERSON: Okay.  
24 MR. BERNA: So basically if we say we're not  
25 going to approve 48 as-is, then moving forward

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1 mergers are not allowed. Is that correct?  
2 CHAIRMAN BALLARD: No. No.  
3 MR. BERNA: Why isn't it?  
4 CHAIRMAN BALLARD: Well, they've been allowed --  
5 I mean, I don't think you can say that. I don't  
6 think we can say that really.  
7 MR. GILCHREST: I think we have to say  
8 something, at least we hold them in abeyance until  
9 that rule is created. I mean, if that --  
10 CHAIRMAN BALLARD: And that's the Board's  
11 option.  
12 Yes, sir. Would you state your name?  
13 MR. SMITH: Sylvester Smith. I'm with William  
14 Burial Association in Camden. I just want to ask  
15 you-all a question. I'm looking at these rules that  
16 you-all have written, but I just want to ask: when is  
17 this board going to address the problem of the 25% or  
18 the \$2,500 that we're stuck at? And no one talks  
19 about raising that and some of these associations has  
20 reserves that they could be increased. You know,  
21 expenses are steadily going up and we're still stuck,  
22 you know, at the same money that you've been making  
23 for years, you know. And I'm just saying -- I'm just  
24 asking when is the Board going to address that? You  
25 know, it just seems like a lot of these people on

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1 this board that's making decisions, they belong to  
2 burial associations that have, you know, very little  
3 money in reserve and the people out here -- the  
4 burial associations that have big reserves -- you  
5 know -- all these rules and proposals and changes are  
6 being pushed on them and it just seems like, you  
7 know, they don't have any recourse; they're still  
8 dealing with, you know, things they've been dealing  
9 with for the last eight or nine years -- you know --  
10 45%, you know, of money that they get from premiums;  
11 I mean, money we don't have a schedule for a rate  
12 increase where people, you know, pay a premium and  
13 get more benefits from the burial association. Now I  
14 know some of them probably are not viable and  
15 couldn't pay more than the 25%, but some of the  
16 burial associations can, you know. And you've got  
17 some people that's so frustrated they don't even want  
18 to come to the burial associations anymore because  
19 their hands are tied, there's so many restrictions on  
20 it. And then a lot of people come in and just see  
21 the \$2,500, they don't even want to -- "I'd just  
22 rather get some life insurance; I don't even want to  
23 fool with that." And I'm just wanting to know when  
24 there's going to be some proposals to try to change  
25 some of that? That's all I'm asking. And a lot of

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1 the rest of them probably feel that way; they're just  
2 not saying anything about it. There's a lot of  
3 frustration, you know, with people --  
4 CHAIRMAN BALLARD: We've had numerous meetings,  
5 Mr. Williams [sic], and no one has showed up to  
6 propose that and we've been open to the public on  
7 numerous untold hours of working on these. And I can  
8 look out in the audience and see just about two or  
9 three that showed up for those meetings. So that's  
10 the answer to part of your question.  
11 MR. SMITH: I understand.  
12 CHAIRMAN BALLARD: It's never been addressed.  
13 It's never been asked of the Board.  
14 MR. SMITH: I've been here before and asked.  
15 CHAIRMAN BALLARD: Yeah.  
16 MR. SMITH: But, you know, you get so frustrated  
17 you get tired of coming.  
18 CHAIRMAN BALLARD: Yeah.  
19 MR. SMITH: You know, nothing is being done  
20 about it.  
21 CHAIRMAN BALLARD: That's a separate issue.  
22 MS. GOODE: That's a statutory change.  
23 CHAIRMAN BALLARD: Yeah. That's a statutory  
24 change there.  
25 MR. BERNA: Back on this Rule 48, if we don't

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1 have a rule in place how can we allow, I mean, a  
2 merger to -- even though we've allowed it in the  
3 past, we just sat here and said, you know, basically  
4 we're not responsible for what happened in the past,  
5 we've just got to go do it right going forward. If  
6 there's not a rule in place, how can we allow a  
7 merger to happen? Because then if that's the case  
8 then aren't we doing the same thing? People five,  
9 six, seven years ago, whenever that merger took  
10 place, aren't we doing the same thing they did?  
11 Because then if that's the case then why aren't we  
12 allowing the dissolution to happen? I mean, am I  
13 wrong in my thinking? I mean, I think we've either  
14 got to say we're going to pass this rule or some  
15 semblance to this rule and allow mergers or if we're  
16 not going to have a rule in place then mergers aren't  
17 allowed.  
18 CHAIRMAN BALLARD: That needs to be put in your  
19 proposal.  
20 MR. OHRENBERGER: And let me just address one  
21 thing you just said and that was this rule or some  
22 semblance to this rule -- your option is to pass this  
23 rule or not.  
24 MR. BERNA: Yeah, I understand that.  
25 MR. OHRENBERGER: And you can fix anything you

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1 don't like about this rule later.  
2 MR. BERNA: But is my thinking correct? If  
3 we're staying consistent, if we're trying to stay  
4 consistent in doing what's right moving forward, if  
5 there is no rule in place then we should be along the  
6 lines of there is no mergers allowed?  
7 MR. OHRENBERGER: Let me answer your question as  
8 well.  
9 MR. BERNA: Which question?  
10 MR. OHRENBERGER: No. No. If the Board does  
11 not have a merger rule in place and yet continues to  
12 allow mergers, it is going to be much more difficult  
13 to withstand a legal challenge than it would be if  
14 there is a rule in place. And ultimately the court  
15 could tell you you were doing wrong if you didn't  
16 have a rule, but I'd rather not present that  
17 challenge myself.  
18 MR. BERNA: So we need to have a rule if we're  
19 going to allow the mergers to take place, just like  
20 we have a rule if we're going to allow dissolutions.  
21 CHAIRMAN BALLARD: Forty-eight (48) would do  
22 that --  
23 MR. BERNA: Okay.  
24 CHAIRMAN BALLARD: -- but we've been asked to  
25 table it.

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1 MR. BERNA: Right. Right.  
2 CHAIRMAN BALLARD: Any other discussion?  
3 MR. GOSEY: I have a question.  
4 CHAIRMAN BALLARD: Yes, sir.  
5 MR. GOSEY: My name is Roland Gosey and I'm with  
6 Williams. As it relates to Mr. Smith's question  
7 about the increase, what needs to happen to introduce  
8 to the Board to start that conversation, given that,  
9 you know, we have new people involved now? What  
10 needs to happen to get that before the Board to start  
11 that conversation?  
12 MR. OHRENBERGER: Well, there are two separate  
13 issues. One is on the policy limits, that \$2,500  
14 which Mr. Smith addressed, and that is that's a  
15 legislative change. The statute limits it to \$2,500.  
16 MR. GOSEY: Okay.  
17 MR. OHRENBERGER: And so that's an issue to take  
18 up with a friendly legislator. The issue of the 25%  
19 and I'm assuming here you're talking about the  
20 expenses, the 25% expenses, which is our Rule 4 now,  
21 that is a rule change and that's something that could  
22 be done -- you know -- you might want to come --  
23 MR. GOSEY: In front of this board, right?  
24 MR. OHRENBERGER: Yes.  
25 MR. GOSEY: So what needs to happen to introduce

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1 the conversation about that?  
2 MR. OHRENBERGER: I think you're doing it right  
3 now.  
4 MR. GOSEY: So would that mean that it would  
5 come up on the agenda at the next Burial Board  
6 meeting or --  
7 MR. OHRENBERGER: Let me turn it back to the  
8 Board to answer that question.  
9 MS. GOODE: I would say it would be -- if this  
10 board puts together a rule committee again to work on  
11 proposed rule changes -- which would probably have to  
12 happen if we table Rule 48 today, to look at that  
13 some more before it's, you know, presented again,  
14 this aspect, and to move forward with that rule  
15 change, and that's something, you know, that we would  
16 probably discuss during that. And like I said, all  
17 of our meetings -- you know -- we do put them out  
18 there and if you want to be personally notified, you  
19 can let me know and I can put you on the notification  
20 of meetings.  
21 MR. GOSEY: All right.  
22 CHAIRMAN BALLARD: Robert Eichelberger.  
23 MR. EICHELBERGER: I have a question, going back  
24 to the mergers for a second. Robert Eichelberger,  
25 Heritage Burial Association.

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1 CHAIRMAN BALLARD: Thank you.  
2 MR. EICHELBERGER: Due to the fact that the  
3 Board in past years have probably allowed 20 mergers  
4 with all of those that your firm has done, our firm  
5 has done, some others have done, is that -- the  
6 precedent has been set. Would that not actually give  
7 you some authority to do one in the future, even  
8 though you don't have a rule, due to the fact that  
9 there have been so many done in the past?  
10 MR. OHRENBERGER: I think right now the  
11 questions that are being asked are essentially  
12 getting into a legal challenge to the Board.  
13 Actually, I thought there would be legal challenge  
14 and so I'd rather not dig too deep at the moment.  
15 MR. EICHELBERGER: So you just don't want to  
16 address that now?  
17 MR. OHRENBERGER: Yes, sir.  
18 CHAIRMAN BALLARD: That's a good way to put it  
19 in layman's terms.  
20 MR. BERNA: Well, I guess my concern still  
21 stands, is that we are saying what happened in the  
22 past is in the past and moving forward we've got to  
23 follow the rules.  
24 MR. OHRENBERGER: Here's what the Administrative  
25 Procedure Act requires.

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1 MR. BERNA: Okay.  
2 MR. OHRENBERGER: If you are setting a policy of  
3 some kind to implement a statute and it's a policy  
4 that's going to apply in general to any member of the  
5 public or any member of the industry, then you're  
6 supposed to have a rule in place to make that happen.  
7 That's what the APA requires.  
8 MR. BERNA: Okay. So if we don't pass 48 today  
9 and two years down the road we allow a merger, then  
10 we've broke that rule. Is that what you're -- is  
11 that my understanding?  
12 MR. OHRENBERGER: You would certainly be subject  
13 to a challenge to say that you exceeded your  
14 authority without having a rule in place. Now there  
15 might be counter-arguments to be presented but how  
16 compelling those would be is hard to say. But,  
17 frankly, you are better to have a rule there.  
18 CHAIRMAN BALLARD: But moving forward, if  
19 someone suggests a merger the Board can just say,  
20 "No, we don't have any rules in place."  
21 MR. BERNA: Right. I mean, yeah.  
22 CHAIRMAN BALLARD: It's not like they can just  
23 go ahead and do it.  
24 MR. BERNA: Right. I understand that. Yeah. I  
25 was just trying to make sure everybody is on the same

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1 page.  
2 MR. OHRENBERGER: Here's -- I mean, here's the  
3 long-and-short of it. If you do not have a rule in  
4 place and you continue to allow mergers that is more  
5 legally risky than if you do have a rule in place.  
6 MR. GILCHREST: Let me ask a question just for  
7 my own clarification. If we pass 48 today, then  
8 based on what I'm hearing from you we still have the  
9 opportunity to go back and tweak any parts of that  
10 rule that we feel are necessary, i.e., the one we're  
11 talking about?  
12 MR. OHRENBERGER: Yes, sir.  
13 MR. GILCHREST: Okay.  
14 MR. OHRENBERGER: Yes. You can pass Rule 48  
15 today; you can come back next month and start the  
16 rulemaking process again to amend the currently-  
17 passed -- or that in a few moments could be passed.  
18 MR. GILCHREST: Okay.  
19 CHAIRMAN BALLARD: Would that need to be  
20 considered in the motion so that we're set in motion  
21 to literally do that?  
22 MR. OHRENBERGER: No. Could be. I mean --  
23 CHAIRMAN BALLARD: Would Mr. Crouch have to come  
24 back before the Board to suggest that we re-look at  
25 48?

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1 MR. OHRENBERGER: The Board can decide to re-  
2 examine any of its rules at any time --  
3 CHAIRMAN BALLARD: Okay.  
4 MR. OHRENBERGER: -- with or without somebody  
5 coming in and asking you to.  
6 MR. BERNA: So I guess what we've got to  
7 determine is: is it beneficial for everybody to at  
8 least have a rule in place. And if we want to go  
9 back and tweak it, we can tweak it.  
10 CHAIRMAN BALLARD: Chuck, Haylee, are the two of  
11 you hearing all this okay?  
12 MR. DEARMAN: Yes.  
13 CHAIRMAN BALLARD: All right. Any other  
14 questions, concerns, comments? I'd entertain a  
15 motion from the Board to approve the rule changes as  
16 they stand with -- can we -- and with the minor  
17 changes that were presented to us?  
18 MR. OHRENBERGER: The three amendments that were  
19 outlined in Rules 10, 48 and 49.  
20 CHAIRMAN BALLARD: Yeah.  
21 (COURT REPORTER'S NOTE: Mr. Dearman asked a  
22 question that was inaudible to the court reporter  
23 because Mr. Ocker started speaking almost  
24 simultaneously.)  
25 MR. OCKER: But this -- if we change -- adopt

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1 the rules as they've been proposed to us, that can go  
2 back -- we can go back later and tweak that and  
3 change some of the things in the rule. Right?  
4 CHAIRMAN BALLARD: Yes, sir. Uh-huh.  
5 MR. OHRENBERGER: And, Mr. Dearman, you asked  
6 what the motion was. So far, there has not been any  
7 motion made. But I believe the motion for the matter  
8 that Mr. Ballard has described was an approval of the  
9 proposed rules as presented with the three minor  
10 changes that Ms. Goode and I outlined in Rules 10, 48  
11 and 49.  
12 MR. BERNA: I'll make that motion.  
13 MR. OHRENBERGER: And that is a motion now. Mr.  
14 Berna has made that motion.  
15 MR. GILCHREST: I'll second it.  
16 CHAIRMAN BALLARD: Motion made and seconded.  
17 Any discussion before we vote on that? Haylee and  
18 Chuck, do y'all -- did you hear the motion okay?  
19 MR. DEARMAN: Yes, I do.  
20 CHAIRMAN BALLARD: Haylee, are you still there?  
21 (Moment of silence)  
22 CHAIRMAN BALLARD: I think she's gone. Are we  
23 okay with her being gone?  
24 MS. HARRIS-HILL: I'm here.  
25 MR. OHRENBERGER: Oh, she's here.

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1 MS. HARRIS-HILL: I'm sorry.  
2 MR. OHRENBERGER: Okay. Did you hear the motion  
3 that's on the table?  
4 MS. HARRIS-HILL: Yes, sir.  
5 MR. OHRENBERGER: Okay.  
6 CHAIRMAN BALLARD: All right. We'll take a  
7 vote. If no questions, then all in favor of the  
8 motion please say "aye."  
9 (UNANIMOUS CHORUS OF AYES)  
10 CHAIRMAN BALLARD: Okay. And all opposed say  
11 "no," please.  
12 (MOMENT OF SILENCE)  
13 CHAIRMAN BALLARD: Motion passes. Okay.  
14 MR. OHRENBERGER: That takes care of the rules  
15 portion. Just so everybody understands what happens  
16 from here -- there were three small changes that will  
17 be added into the written document and we will then  
18 file it with the Secretary of State's office, the  
19 State Library, and it will be published on the  
20 Board's website. And those rules will be effective  
21 30 days from the date that they get filed with the  
22 Secretary of State, so they don't take effect today.  
23 That will be about 30 days from now or so.  
24 MS. GOODE: Would it be after they go before the  
25 rules committee?

1 MR. OHRENBERGER: Oh, I'm sorry. Yes. I always  
2 forget this part. Yeah. In December, these rules  
3 will be presented to the rules oversight committee at  
4 the legislature -- and after that they will be filed  
5 with the Secretary of State. Thirty (30) days from  
6 then, they will be -- assuming they don't have any  
7 problems coming out of the legislature then they will  
8 be filed and in place.

9 CHAIRMAN BALLARD: Okay.

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11 (The public hearing was adjourned at 11:58 a.m.)

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C E R T I F I C A T E

F ARKANSAS )  
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OF SALINE )

SHARON K. HILL, CCR, a Certified Stenomask Reporter whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of the proceedings before the Burial Association Board, in Little Rock, Arkansas, on October 22, 2014; that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence and proceedings had in said matter.

FURTHER CERTIFY that I am neither counsel for, related to, or employed by any of the parties to the action in which the foregoing proceeding was taken.

FURTHER CERTIFY that I have no contract with any parties to this action that affects or has a substantial tendency to impair my impartiality, that requires me to relinquish control of the original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: November 3, 2014.

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SHARON K. HILL, CCR  
Certified Court Reporter  
Certificate No. 670

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**BEFORE THE BURIAL ASSOCIATION BOARD**  
**Public Hearing on Proposed Rule Changes**

**October 22, 2014**

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