

Arkansas Burial Association Board

MINUTES

Wednesday, January 23, 2013, 11:30 am
101 East Capitol, Little Rock, AR
Conference Room C
Board Meeting

Acting Chairman Steve Ballard called the meeting to order. Members present were: Pete Sims, Scott Berna, Normal Gilchrest, Dr. Jacki McCray, and Sammie "Turner" James. Members absent were: Sumner Brashears, David Powell, Jr., and Melanie Posey. Staff present: Amy S. Goode, Executive Secretary, James R. Brooke, Auditor and assistant attorney general Mark Ohrenberger, Board Counsel.

1. Introduction of the Board and guests, meeting called to order
2. ***Stuttgart Home Burial Association – Default Judgment***

Steve Ballard recapped the reason for Mr. Javier Buck was reappearing today before the Board. Prior to the meeting today, Mr. Buck was to pay the balance owed, receive a letter of credit, and/or submit financial statements to establish his financial capabilities to repay the debt owed to the Stuttgart Home Burial Association. As of the date of the meeting, no documents had been received. Mr. Buck responded that they were still working on the particular request by the Board. At this time they are working with accountant to get required documents for the 2012 financial statements. Mr. Buck is asking for extension until the March meeting to get the required documents. He is also working with the bank to clean up some debt in order to qualify for a loan.

Mr. Buck further stated he had brought in some supporting documentation for claims that he would be owed from the association, but is asking that be applied to the debt. Auditor did clarify that there was \$2,000 in claims he could account for and another \$2,000 awaiting further documentation.

Motion made by McCray to accept Buck's proposal for extension until next meeting, seconded by Sims, all in favor.

Sims inquired of Mr. Buck if this would be paid in full by the March meeting. Mr. Buck assured the Board he would have this matter resolved by the March meeting.

Motion amended by Ballard to allow until March 27, 2013 and the matter needs to be resolved by that meeting.

3. ***Church Burial Association***

Auditor conducted audit on January 7, 2013, current shortage is 241.11 in old business and \$3,062.63 in new business. No deposits were made from November 30, 2012 until January 4, 2013. Another letter was sent to the officers explaining how and when deposits should be made. Executive Secretary provided documentation from the Auditor showing the deposits made and current shortage information.

Attorney Ohrenberger reminded the Board of the Emergency Order that was put in place after the last meeting. The officers cannot make any withdrawals without the Executive Secretary's written permission. The Board inquired of the attorney what the Board's recourse was. Ohrenberger explained that we could remove the officers in a disciplinary hearing. They could also be fined through civil penalties.

The Board expressed their dissatisfaction that none of their directives have been followed. There continues to be a problem with the deposits being made. Executive Secretary stated that they were asked and directed to be at the meeting today, but none of officers were in attendance. The Board discussed that they would like the Auditor and Executive Secretary to research another contract funeral home in the area that could take over the association.

Motion made by Berna to notify the association of hearing on March 27, 2013 for direct violation of statutes and Board directives. Berna further stated that the auditor shall conduct a search of another suitable contract funeral home to take over the association if the Board's hearing results in removal, seconded by Gilcrest, all in favor. Motion carried.

4. Election of Officers

Executive Secretary explained that the Chairman and Vice Chairman will be termed out and it's likely they will not attend another meeting. Executive Secretary thought the Board could go ahead with an election of officers since they it was highly probable they would not return. The Board discussed the options of holding the election. The Executive Secretary stated they could post-pone it. The Board decided they would like to postpone until the March meeting. Executive Secretary stated she would like to have reflected in the minutes that Steve Ballard would be acting Chairman at the March meeting if the current Chair and Vice Chair have been replaced.

5. Approval of minutes of the December 2012 meeting

Motion made by Gilcrest to approve the December 2012 meeting minutes, seconded by Sims, all in favor. Motion carried.

6. Approval of December 2012 Trial Balance and DF&A Financial Documents

Motion made by Sims to approve the December 2012 Trial and DF&A financial documents, seconded by Berna, all in favor. Motion carried.

7. Board Discussion

a. Attorney updates - Drew County Burial Association update

Attorney Mark Ohrenberger updated the Board that we had a conference call on the Drew County Burial case with the case coordinator and law clerk for Judge Gray. Court did set a new trial date for June 4th for a bench trial if parties cannot work it out between them. The attorneys have discussed coordinating a voluntary briefing schedule. All three parties could get in front of the court in writing what exactly their positions are. Then we bounce briefs back and forth. Then for the June 4th date we would know the positions of all involved.

Ohrenberger wanted to revisit Church Burial Association. He wanted to clarify that the notice of hearing would be sent to both Warren and Peaches Strickland in their official positions. The letter to include that Warren Strickland should send doctors statement if unable to attend.

b. 2013 Annual Stipends and mileage reimbursement

Motion made by McCray to allow the Board to continue reimbursement, seconded by Sims, all in favor. Motion carried.

c. Audits

Executive Secretary explained to the Board that we were revisiting this issue from last meeting. The reason the Executive Secretary had brought the matter up at the last meeting was an attempt to help save the Board money. The Board does spend a lot on hotel and meal reimbursement for the auditor. The auditor and the Executive Secretary had additional discussion on the matter since the last meeting. The auditor was concerned that since he had worked hard to get the audits caught up he would hate to allow them to get behind again. He further explained that most of the audits could be done in day trip and will not require an overnight stay. The Board decided that it should be the auditor discretion. Auditor stated he would rather spend his time traveling and continue doing annual audits.

Motion made by Sims to accept the auditor's recommendation to complete day audits when possible, seconded by Gilcrest, all in favor. Motion carried. Motion amended by Sims to include and allow for overnight stay when auditor finds it necessary, seconded by Gilcrest, all in favor. Motion carried.

8. Next Meeting

The Board will meet Wednesday, March 27, 2013 @ 11:00am

9. Adjournment

Motion made by Sims to adjourn since there was no further business to discuss, seconded by Berna, all in favor. Motion carried.

ATTEST:

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