

Arkansas State Board of Embalmers and Funeral Directors
Board Meeting

MINUTES

Thursday, March 13, 2014, 9:00am
101 East Capitol, Conference Room C
Little Rock, AR

President James Terry Woodard called the meeting to order. Members present were: Vice President Bobby Thurman, Bobby Burns, Jerry Adams, Patricia Roberts, and Ben Brazzel. Staff that were present: Amy Goode, Executive Secretary, Boyd Heath, Inspector, and Katina Hodge, Board Counsel.

1. **Introduction of the Board**

2. **Oral Examinations**

- a. **Derrick Veasley** was administered his oral exam.

3. **Administrative**

- a. Motion made by Burns to accept as written the minutes of the January 16, 2014 Board meeting, seconded by Roberts. All in favor, motion carried.
- b. Motion made by Thurman to accept and approve the January- February 2014 trial balance and DF&A documents as delivered, seconded by Roberts. All in favor, motion carried.

4. **Hearings**

- a. **In the matter of: Melissia A. Sherer, Applicant for Student Funeral Director and Embalmer**

Assistant Attorney General Peggy Johnson served as Hearing Officer and swore in witnesses.

Assistant Attorney General Kat Hodge represented the Board.

Melissia Sherer represented herself.

Court Reporter – Ms. Faith Grigsby- Grigsby Reporting Services

Hearing officer Peggy Johnson called the hearing on the record. Ms. Johnson asked if there would be any exhibits for the Board to consider and Ms. Hodge stated that she had spoken with Ms. Sherer before the hearing and they had stipulated to Board's compilation exhibit 1 containing 15 pages. Respondent exhibit 1 was also entered into the record a copy of the state law concerning expungement. Ms. Hodge asked to take up the preliminary matters and stated that she had visited with Ms. Sherer before the hearing. The hearing today is about a past criminal conviction that has legally been expunged pursuant to 16-90-907; so she would move to redact her notice of hearing to delete all records of her specific criminal history. There is no dispute between council and Ms. Sherer that her criminal history has been expunged and should be kept confidential. Ms. Johnson stated that essentially there is an agreement between the parties that her criminal records are expunged and cannot be considered in this matter. Ms. Hodge asked that the Board look to exhibit 1 containing notice of hearing and she moves to redact paragraph 4 and 5 leaving paragraph 6. Motion made by Burns to dismiss, seconded by Adams, all in favor. Motion carried.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 13, 2014, a hearing was held by the Arkansas State Board of Embalmers and Funeral Directors (the "Board") on the application of Melissia A. Sherer (the "Applicant") to apprentice in the business of funeral directing and embalming in the State of Arkansas. Based on the evidence properly received at the hearing and all

legal arguments made, including Arkansas Code Annotated § 16-90-901, the Board finds that the Board's complaint should be dismissed and applicant be permitted to register as a Student Funeral Director and Embalmer.

Pursuant to Arkansas Code Annotated § 25-15-212, the Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty days after service of this Order.

b. In the matter of: Javier Buck, a licensed funeral director and Richardson Memorial Funeral Home, a licensed funeral establishment

Assistant Attorney General Peggy Johnson served as Hearing Officer and swore in witnesses.

Assistant Attorney General Kat Hodge represented the Board.

Javier Buck represented himself on behalf of Richardson Funeral Home

Booker Johnson, Brandon Murry, and Karonda Smith also were witnesses appearing on behalf of Richardson Memorial Funeral Home

Romona Austin and Dominique Austin were the complainants and witnesses for the Board.

Court Reporter – Ms. Faith Grisby- Grisby Reporting Service

Hearing officer Peggy Johnson called the hearing on the record. Ms. Johnson stated for the record that this hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and will give latitude in presenting testimony and evidence. This hearing is subject to the Freedom of Information Act and is open to the public. Johnson allowed Ms. Hodge to distribute Board's compilation exhibit 1 consisting of 29 pages that was stipulated by both parties. There was no objection from Mr. Buck to allow the exhibit to be entered into the record.

Ms. Hodge called Romona Austin she stated she is the complainant in this matter. That herself and Mr. Lester Lee lived together as husband and wife. Ms. Austin made initial arrangements with Integrity Funeral Home. She was told by a cousin to go speak with Karonda Smith and that Ms. Austin had not intended to use Richardson Memorial. Ms. Austin stated that she was told by Ms. Smith that Integrity had not been open long and that she did not want to use their caskets. They get their caskets from China; they fall apart and are cheap. Ms. Austin stated she made arrangements with Ms. Smith at Richardson Memorial. Ms. Austin stated that Mr. Murry was not there when she made the arrangements, but came in after she had made the arrangements to sign contract. Ms. Austin did not know that the service had been moved to the funeral home from the church. Mr. Lee had son's that had changed the arrangements without Ms. Austin's knowledge. There was question whether or not Ms. Austin and Mr. Lee were legally married. It was stated that the marriage license was never recorded in the court house after their marriage.

Ms. Smith was called as a witness she stated she was not a licensed funeral director or an apprentice at that time. She stated she never contacted Ms. Austin and that she never made arrangements with her either. She stated that Mr. Murry was there. Ms. Smith stated she completed the top portion of the statement of funeral goods of service, but Mr. Murry completed the remainder of the form and signed it.

Mr. Buck was then called as a witness. Ms. Johnson asked when the grown son came in and they took it upon themselves to change the service, did he not feel it his responsibility to notify Ms. Austin? Mr. Buck stated she was very well notified, but would not be in the same room with the sons. Yes he did speak directly to her about the change. Ms. Johnson inquired, "So, she just showed up at the wrong location for no reason?" Mr. Buck stated "yes, she was aware of the change." Ms. Johnson stated, " That strains credibility that she was aware, but she went to the wrong location." He stated, he didn't think it was strange when everyone else came to the funeral home. Ms. Hodge questioned Mr. Buck to clarify some of the questions asked by Ms. Johnson. Ms. Hodge said you told Ms. Johnson you informed Ms. Austin of the changes, "when did you inform Ms. Austin of the changes?" Mr. Buck stated that was done on Tuesday when the sons came to the funeral home. Then you waited until Friday, to let everyone

else and the reverend know of the changes. "Why?" On Tuesday, when they made the arrangements they wanted to keep everything as similar as possible. Buck stated, "On Friday, Mr. Lee came to the funeral home and changed the service location, because he had found out there was another service at the church." Ms. Hodge stated then you couldn't have called Ms. Austin on Tuesday to inform her of the changes if that did not happen until Friday. Ms. Hodge stated up until now you have not testified to speaking with Ms. Austin any other day other than Tuesday. "Is it your testimony now that you called her on Friday?" Buck stated, "Yes and on Saturday and spoke directly with her." Ms. Hodge inquired, if there was a statement of funeral goods and services signed by the sons, since they made changes. Mr. Buck, stated "No there was not." Mr. Thurman inquired who paid the charges to Integrity. Mr. Buck stated that Ms. Austin paid the charges owed to Integrity.

Mr. Murry stated he normally would complete the whole document, but that he did not on this particular one. He made arrangements with Ms. Austin at front desk, because Ms. Austin was not comfortable with funeral homes. He showed her caskets from the Batesville catalog. Mr. Burns inquired if Ms. Austin was given a copy of the GPL, Murry stated she was not. Ms. Austin signed the contract that stated she received a copy. Mr. Burns inquired who did the embalming and Murry replied it was done at Integrity. Mr. Burns stated that you charged for embalming on the contract. Mr. Murry stated he didn't know what that was for, maybe for them to be reimbursed. You charged \$700 for embalming; is this off your GPL? Murry answered, "That is the normal charge for embalming."

Mr. Buck called Ms. Smith again as his witness. He inquired that did they not take a cashier's check to Integrity to pay those charges. Ms. Smith stated that she believed that was the case. Mr. Buck wanted to clarify because Mr. Murry had been asked why those charges were on the statement of funeral goods and services. Mr. Thurman stated that earlier he had asked a question and now the answer that was just given were not the same. Earlier I had inquired who paid Integrity and you stated that Ms. Austin had paid. Now Ms. Smith stated you had paid, please explain that. Mr. Buck stated he was incorrect earlier that now since we went through the details that he remembered he had actually paid. Mr. Adams inquired what the charges were at Integrity. Mr. Buck stated he thought they were a little under \$700.

Ms. Hodge called Alane Allen and he was sworn in as a witness. Mr. Allen is the owner of Integrity funeral home. He confirmed with Ms. Austin she wanted to move the body to Richardson Memorial. Mr. Buck brought with him the paperwork to remove Mr. Lee and paid his charges of \$600.

Ms. Hodge in closing stated that the Board needed to consider the creditability of the witnesses. The Board heard from several witnesses and there was some conflict in testimony indicating some witnesses are more creditable than others. Ms. Austin was an extremely creditable witness, one reason that one of Mr. Buck's witness testified to the allegations in Ms. Austin's complaint to the treatment of the outer burial container at the gravesite. Ms. Austin did testify that she made arrangements with Ms. Smith and then Mr. Murry stated he would normally complete the document. Ms. Smith testified that she completed only the top portion, therefore she was not a creditable witness. The Board could also amend the notice of hearing to add an additional violation for Board Rule XII failing to complete a statement of funeral goods and service with the Lee children. The parties responsible for the service should have signed and been given a contract. In addition, on the statement provided there was a charge of \$700 for embalming, \$250 charge for preparation of the body, and a \$250 charge for transportation. On one hand Mr. Murry testified he completed the form, but didn't know why those charges were on there. Then Ms. Smith testified that those fees were what they were because they paid those fees up front to the initial funeral home. Mr. Allen testified that he was paid up front, so if Mr. Murry completed the contract there would be no reason why he would not know those charges existed. The other dispute in these facts is Mr. Allen testified that his fees were \$600 and on the statement of goods and services the total would be \$1,200. Again consistent with the fact that neither Mr. Buck nor Mr. Murry completed this form.

Motion made by Thurman to amend notice of hearing to change Less to Lee throughout that factual allegations, seconded by Brazzel, all in favor. Motion carried.

Motion made by Thurman to add factual allegation 12 that respondent failed to provide a statement of funeral goods and services to the Lee family, seconded by Brazzel, all in favor. Motion carried.

Motion made by Burns that factual allegations 1-12, excluding allegation 10 be found factual, seconded by Brazzel, all in favor. Motion carried.

Motion made by Thurman to add charge C. 6 for violation of Board Rule XII, seconded by Roberts, all in favor. Motion carried.

Motion made by Thurman to find charges C.1-C.6 factual, seconded by Brazzel, all in favor. Motion carried.

Motion made by Burns to suspend Mr. Buck's funeral director license for one (1) year, fine the funeral home a civil penalty of \$5,000 dollars that is payable within sixty (60) days, and to send Karonda Smith a letter of reprimand, seconded by Brazzel, all in favor. Motion carried.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 13, 2014, a hearing was held by the Arkansas State Board of Embalmers and Funeral Directors (the "Board") on the complaint of Ramona Austin against Javier Buck, a Licensed Funeral Director and Richardson Memorial Funeral Home, A Licensed Funeral Establishment (the Respondents). Based on the evidence properly received at the hearing and all legal arguments made, the Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Complainant contacted Integrity Funeral Home and Richardson Funeral Home concerning arrangements for Lester Lee.
2. Complainant originally had Mr. Lee in the care of Integrity Funeral Service.
3. Complainant then spoke with Karonda Smith, office manager, at Richardson Funeral Home.
4. Ms. Smith informed Complainant that Integrity Funeral Home has just opened; that the caskets being used by Integrity Funeral Home were of poor quality, and that Richardson Funeral Service could perform the funeral for the same price with better quality merchandise.
5. Ms. Smith then assisted the Complainant with making arrangements to have Mr. Lee's body transferred from Integrity Funeral Home to Richardson Funeral Home.
6. Ms. Smith also made funeral arrangements for Mr. Lee with Complainant. Later that evening, Ms. Smith also called Complainant and requested that she (the Complainant) bring an insurance policy to Ms. Smith's so that she (Ms. Smith) could view it.
7. On the morning of the funeral, Ms. Smith also contacted Complainant and requested that the Complainant bring \$600 to the Richardson Funeral Home to pay for services related to Mr. Lee's burial.
8. On Sunday morning, Ms. Smith called Complainant and requested an additional \$1100 to pay for services related to Mr. Lee's burial.
9. Mr. Lee was not buried until Monday afternoon.
10. Mr. Lee's co-workers had to assist with the burial because Richardson Funeral Home did not provide enough employees to perform the burial.
11. Respondent failed to provide the Lee's with a statement of Goods and Services as required by the Board's rules after he permitted the Lee family to alter the funeral arrangements made by Complainant. The only statement of Goods and Services is the one entered into with Complainant.

CONCLUSIONS OF LAW

1. Pursuant to Rule IV.2.(f) of the Rules and Regulations of the Arkansas Board of Funeral Directors and Embalmers, Respondent, Javier Buck, is responsible for the supervision of all work performed by his agents and employees, including Karonda Smith. Accordingly, license invalidation procedures may be brought against a licensed funeral director and funeral establishment because of the acts of their agents or employees which violate Chapter 29 of the Arkansas Code or the Rules and Regulations of the Board.
2. The Board may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of funeral directing and embalming, or place the holder of a license on a term of probation based upon: Misrepresentations made as a holder of a license. Respondent's violated this Board's rules when its employee/agent made misrepresentations to Complainant about funeral Goods and Services.
3. The Board may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of funeral directing and embalming, or place the holder of a license on a term of probation based upon: Allowing an unlicensed person to execute contracts for funeral services. Respondent violated this Board's rules by permitting, Karonda Smith, an unlicensed person, to execute contracts for funeral goods and services.
4. The Board may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of funeral directing and embalming, or place the holder of a license on a term of probation based upon: Aiding or abetting an unlicensed person to practice funeral directing. Respondents violated this Board's rules by aiding or abetting Karonda Smith, an unlicensed person, in practicing funeral directing.
5. Pursuant to Rule IV.2.(g) of the Rules and Regulations of the Arkansas Board of Funeral Directors and Embalmers, a licensed funeral director or funeral establishment will be held accountable for the actions of all sales personnel. Such personnel are specifically prohibited from:
 - (1) Making misrepresentations to potential purchases of funeral service merchandise;
 - (2) Placing or causing to be placed false or misleading advertising;
 - (3) Making false statements about funeral establishments, funeral directors, or embalmers not associated with the establishment the personnel represent. Respondents are held accountable under this Board's rules, where Karonda Smith made misrepresentations to potential purchases of funeral service merchandise and made false statements about funeral establishment not associated with, Respondent, Richardson Memorial Home.
6. Respondents violated Rule XIV(3) of the Rules and Regulations of the Arkansas Board of Funeral Directors and Embalmers, which provides the personnel of a funeral establishment whose services are desired shall make every reasonable attempt to fulfill the needs and desires of the deceased and/or the authorizing agent, both as to service and merchandise, and a full disclosure of all its available services and merchandise shall be made to the authorizing agent prior to selection of the casket and services.
7. Respondent violated Rule XII of the Rules and Regulations of the Arkansas Board of Funeral Directors and Embalmers, which provides "Every funeral firm and/or funeral director in this state shall give, or cause to be given, to the person or persons making funeral arrangements, or arranging for the disposition of a dead human body, at the time such arrangements are completed, and prior to the time of rendering the service, and/or providing the merchandise, a written statement to the extent then known:
 - (a) The price of the service that the person or persons have selected and what is included therein;
 - (b) The price of each of the supplemental items of service and/or merchandise requested;
 - (c) The amount involved for each of the items for which the firm will advance monies as an accommodation to the family; and
 - (d) The method of payment.

ORDER

Based upon the evidence and testimony presented at the hearing, the Boards finds that (1) Respondent, Javier Buck's, license as a Funeral Director be suspended for one year upon receipt of this order; (2) Respondent, Richardson Memorial Home be fined \$5,000 and that amount is payable within sixty (60) days of receipt of this order; and (3) Karonda Smith be issued a Letter of Reprimand.

c. *In the Matter of: Warren Stephens, a Licensed Funeral Director*

Assistant Attorney General Peggy Johnson served as Hearing Officer and swore in witnesses.

Assistant Attorney General Kat Hodge represented the Board.

Warren Stephens represented himself.

Court Reporter – Ms. Faith Grigsby- Grisby Reporting Services

Hearing officer Peggy Johnson called the hearing on the record. Ms. Johnson stated for the record that this hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and will give latitude in presenting testimony and evidence. This hearing is subject to the Freedom of Information Act and is open to the public. Johnson allowed Ms. Hodge to distribute Board's compilation exhibit 1 consisting of 14 pages that was stipulated by both parties. There was no objection from Mr. Stephens to allow the exhibit to be entered into the record.

Mr. Stephens self-disclosed to the Board that in 2007 that he was convicted of a drug related crime. The Board office failed to have Mr. Stephens appear before the Board until today. Mr. Stephens is not currently on parole and has completed all of his probation. He has not had any further convictions. Motion made by Brazzel to allow renew his funeral directors license, seconded by Roberts, all in favor. Motion carried.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 13, 2014, a hearing was held by the Arkansas State Board of Embalmers and Funeral Directors (the "Board") on its own complaint against Warren Stephens, a licensed funeral director (the "Applicant") for renewal of his license to engage in the business of funeral directing in the State of Arkansas. Based on the evidence properly received at the hearing and all legal arguments made, the Board makes the following Findings of Fact, Conclusions of Law, and Order.

FACTUAL ALLEGATIONS

1. Applicant has submitted an application to the Board to renew his license to engage in the business of funeral directing to the Arkansas State Board of Embalmers and Funeral Directors.
2. In making application, Applicant disclosed a criminal history, including a 2007 conviction for a drug related crime. Applicant was sentenced to three years in the Arkansas Department Correction.
3. Applicant served eight months' incarceration in the Arkansas Department of Correction and served the remainder of his sentence on supervised parole.
4. Applicant has completed his sentence and satisfied the financial obligations order that the Court and/or Arkansas Parole Board.

CONCLUSION OF LAW

The Board may refuse to issue or renew a license for the practice of funeral directing and embalming based: (1) Conviction of a Felony; (2) Violation of any provision of Ark. Code Ann. § 17-29-301, et seq;

ORDER

Based upon the evidence and testimony presented at the hearing, the Boards finds that the Applicant's license as a Funeral Director should be renewed and that Applicant should not have to appear before the Board concerning the allegations contained in this Order upon submitting of future renewal applications. The Applicant is encouraged to maintain and include a copy of this Order with future applications for renewal. This Order does not apply to subsequent and/or new criminal convictions.

d. In the Matter of: Henry Veasley, Applicant for Reinstatement

Assistant Attorney General Peggy Johnson served as Hearing Officer and swore in witnesses.

Assistant Attorney General Kat Hodge represented the Board.

Henry Veasley was represented by Keith Faulkner

Derrick Veasley witness for Mr. Veasley

Raymond Easterwood witness Mr. Veasley

Court Reporter – Ms. Faith Grigsby- Grisby Reporting Services

Hearing officer Peggy Johnson called the hearing on the record. Ms. Johnson stated for the record that this hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and will give latitude in presenting testimony and evidence. This hearing is subject to the Freedom of Information Act and is open to the public. Johnson allowed Ms. Hodge to distribute Board's compilation exhibit 1 consisting of 61 pages that was stipulated by both parties. There was no objection from Mr. Faulkner to allow the exhibit to be entered into the record.

Mr. Faulkner stated that Mr. Veasley was not here to make excuses for his mistakes, but during this time Mr. Veasley went through a very difficult divorce in 1998 and had some very serious health conditions. Mr. Veasley's ex-wife took money from the funeral home and their personal account. He did not have the money to refund the money due to this, but agreed the money was owed to the Stewart family. Mr. Easterwood was legal counsel for Mr. Veasley for the Stewart case. He has verified that full restitution has been repaid to the Stewart family.

Motion made by Thurman to add factual allegation 10 that Mr. Veasley has supplied proof that he made restitution of \$3, 209.21 to the Stewart family, seconded by Adams, all in favor. Motion carried.

Motion made by Thurman to find factual allegations 1-10 to be factual, seconded by Roberts, all in favor. Motion carried.

Motion made by Thurman to charge C. 1 to be factual, seconded by Burns, all in favor. Motion carried.

Motion made by Burns to allow Mr. Veasley to reinstate his funeral director license and be on probation for ninety (90) days, seconded by Roberts, all in favor. Motion carried.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 13, 2014, a hearing was held by the Arkansas State Board of Embalmers and Funeral Directors (the "Board") on the application of Henry Veasley (the "Applicant") for reinstatement of his license to engage in the business of funeral directing and embalming in the State of Arkansas. Based on the evidence properly received at the hearing and all legal arguments made, the Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Applicant has submitted an application to the Board to reinstate his license to engage in the business of funeral directing and embalming to the Arkansas State Board of Embalmers and Funeral Directors.
2. This Board previously held a hearing, on April 12, 1999, concerning Applicant's Funeral Director's license and the establishment license for Veasley Funeral Home.
3. The establishment license for Veasley Funeral Home expired on December 31, 1998. Applicant did not renew his Funeral Director's license for 1999.

4. The Board received several complaints against Henry Veasley and Veasley Funeral Home; however, neither responded to the complaints within fifteen days of receiving a copy of those complaints from the Board's office.
5. Neither Henry Veasley nor Veasley Funeral Home appeared at the April 12, 1999 hearing.
6. Additionally, Henry Veasley made arrangements for the funeral of Archie Stewart. The charges for that funeral were \$5,426.00. Mr. Veasley received \$5,570 from a Modern Woodmen of America Insurance policy and \$3,300.00 from an Old American Insurance Policy. The proceeds from these policies were more than the amount owed on the Stewart funeral.
7. Mr. Veasley did not refund the excess monies to the arranger.
8. Failure to respond to Complaints and failure to refund excess monies constituted violations of this Board's rules and governing statutes.
9. Because of the above rule violations and the serious nature of those violations, the Board concluded that Mr. Veasley should not be permitted to renew his Funeral Director's license. Also, the establishment license for Veasley Funeral Home was revoked indefinitely.
10. At the hearing, Respondent proved that he made restitution regarding the Archie Stewart funeral in the amount of \$3,209.21.

CONCLUSION OF LAW

The Board may refuse to issue or renew a license for the practice of funeral directing and embalming based: (1) Misrepresentations made or Fraud committee as a holder of a license; (2) Violation of any provision of Ark. Code Ann. § 17-29-301, et seq; (3) Failing to answer a complaint within fifteen days.

ORDER

Based upon the evidence and testimony presented at the hearing, the Board finds that Respondent's license as a Funeral Director and Embalmer be reinstated with a ninety day probation period.

5. **Complaints**

- a. **Case #14-1 – Coleman, Linda vs. Christopher D. Ross, licensed funeral director** – Hodge stated there was sufficient evidence to bring in the respondent for a charge of misrepresentation. The respondent is agreeing that there is some insurance money due to the complainant. Complainant has supplied documentation that Mr. Ross kept funds that should have been refunded from Veteran's Administration. Motion made by Brazzel to set for hearing, seconded by Adams, all in favor. Motion carried.
- b. **Case#14-3 – Johnson, James L. vs. Reddick Funeral Home, Billy Reddick, Manager and licensed funeral director** – Hodge stated there has been sufficient evidence that Mr. Reddick made misrepresentations before the Board for perjuring himself at the previous hearing. The initial allegation was Mr. Reddick failed to provide the family with a statement of goods and services then doctored records to demonstrate that the family was paying money, so that he could sue them in small claims court. There was an issue about signatures, Mr. Reddick stated that the Judge couldn't tell whether the signatures were fictitious and had filed an appeal. That is not true according the additional complaint filed by Mr. Johnson. In your rule this would qualify as misrepresentation. He cannot perjury himself in an administrative hearing and he cannot misrepresent facts to the Board to sway your decision. There is sufficient evidence to set for another hearing to determine if he misrepresented to the Board and redo the hearing on the other underlying complaint, since you would have based your decision on perjured testimony. You would have do it in two separate steps, first bring him back to determine if he perjured himself and then if you do then you redo the first hearing. Motion made by Brazzel to set Case#14-3 for a hearing, seconded by Adams, all in favor. Motion carried.

6. **Board Discussion**

- a. **Kincaid Funeral Service – West Helena** – Mr. Heath was sent to inspect and the establishment was issued their license in March 2014.
- b. **Professional Services** – Seeking hiring handwriting expert for the Reddick case.

7. **Attorney Updates – None**

8. **Meeting dates:**

- a. Next meeting scheduled for May 14, 2014 regular board meeting and May 15, 2014 for the rules committee and annual meeting.
- b. The Board agreed to allow Executive Secretary to set the remainder of the calendar year meetings and agreed to have 6 set dates scheduled in advance each year.

9. **Adjournment**

Motion made by Brazzel to adjourn to meeting, seconded by Thurman, all in favor. Motion carried.