

Arkansas State Board of Embalmers and Funeral Directors

Board Meeting

MINUTES

Thursday, November 12, 2015

101 East Capitol Avenue

Arkansas River Room, 3rd floor

Little Rock, AR

9:00 a.m. –1:00 p.m.

Chairman James Terry Woodard called the meeting to order. Members present were: Vice Chairman Bobby Thurman, Bobby Burns, John Wilkerson, and a welcome to newest member Sylvester Smith. Members absent were: Ben Brazzel. Staff that were present: Amy Goode, Executive Secretary, Leslie Stokes, Investigator/Inspector, and Nina Carter, Board Counsel.

1. **Call to order**

2. **Adoption of the agenda**

Motion made by Thurman to adopt the agenda to follow for today's meeting as printed, seconded by Roberts, all in favor. Motion carried.

3. **Introduction of the Board**

4. **Reinstatements**

- a. **Michael Spears – BID#22085** – Motion made by Burns to approve license reinstatement after payment of delinquent fees of four hundred sixty dollars (\$460.00), seconded by Roberts, all in favor. Motion carried.
- b. **Jimmy W. Cooper – BID#22063** –. Motion made by Burns to approve license reinstatement after payment of four hundred sixty dollars (\$460.00), seconded by Thurman, all in favor. Motion carried.

5. **Establishment Licenses seeking approval – Inspector Stokes - None**

6. **Administrative**

- a. **Approval of the September 2015 board meeting minutes as delivered electronically.** Motion made by Burns to approve the September 2015 board meeting minutes as delivered with no necessary corrections, seconded by Roberts, all in favor. Motion carried.
- b. **Approval of the September-October 2015 DF&A financial reports and trial balance as delivered electronically.** Motion made by Roberts to approve the September through October 2015 DF&A financial reports, seconded by Burns, all in favor. Motion carried.

7. **Inspector Updates – see attached Word document.** Inspector Stokes also updated the Board on the apprenticeship program and update on University of Arkansas Community College @ Hope and their pass rate on the National Boards. Ms. Stokes stated that they have improved their scores and standards for students taking exam.

8. **Complaints**

- a. **Case #15-34 Roland Gosey and Williams Funeral Home V. Georgina Battle Wright and Mitchell Funeral Home.** Motion made by Burns to set matter for hearing, seconded by Wilkerson, all in favor. Motion carried.
- b. **Case#15-36 – Yerger-Golston, Vanilla V. Alberta Brandon and Brandon’s Mortuary.** Motion made by Wilkerson to set matter for hearing, seconded by Thurman, all in favor. Motion carried.

9. **Attorney Updates –Nina Carter**

- a. **Appeal status 2014- Javier Buck and Richardson Memorial Funeral Home** – We filed our brief on this case and waiting on a hearing date.
- b. **Appeal status 2014 – Effie Collins and Collins Chapel** - There still has been no briefing schedule on this 2014 appeal. It’s in the Board’s best interest to leave it be and not push forward, since they are not pushing it forward. The Board’s order denying licenses is still in place. Just leave it on a monitoring status.
- c. **Appeal status 2011 - Elmer Davis** – There still has been no briefing schedule on this 2011 appeal. It’s in the Board’s best interest to leave it be and not push forward, since they are not pushing it forward. The Board’s order denying license is still in place. Just leave it on a monitoring status.
- d. **Board member handbook update** – Ms. Carter explained that the Attorney General has a new handbook for Board members. She touched upon a few things that are important to the Board. (1) Freedom of Information, Board members need to be careful discussing Board matters with each other. Typically two or more members constitute a meeting. Be careful not to reply all to anything that the Executive Secretary might send out that is Board business. (2) We have to be careful of confidentially, example could be a complaint for review that is sensitive and should not be discussed with anyone. Executive Secretary also informed the Board about missing three or more meetings.

10. **New Business discussion**

- a. **2015-2016 Rule Promulgation** – Board went over current draft of rules.
- b. **Any other new business – Arkansas Insurance Dept. Robert Akers** - Mr. Akers understands the frustration for the trust fund policies. They are looking into ways to perhaps correct the issue in the next session. Perhaps a funding mechanism change.
 - i. **Current Investigation Update Stokes.** Ms. Stokes informed the Board of an investigation into a matter concerning a falsified death certificate that was signed by an RN that does not exist. The situation involves three different establishments and is still currently under investigation.

11. **Old business discussion**

- a. **Bernice Johnson V. W. H. Johnson – Case#15-30 – update** – Insurance Department has not received anything from Mr. Johnson, but they did receive a call from the consumer indicating they have received the money from him. He was to provide verification as well. Marjorie Farmer, Investigator for the Insurance Dept. is contacting the carriers he was previously appointed with to see if they had any other lapsed after several year of paying on them.
- b. **Case#15-31 – Board V. W. H. Johnson and W. H. Johnson Funeral Home** – Motion made by Thurman to approved consent order issued October 2015, seconded by Wilkerson, all in favor. Motion carried.
- c. **Any other old business – none**

12. **Meeting dates:**

- a. *January 21, 2016 – 9 am*
- b. *March 10, 2016 – 9 am*
- c. *May 12, 2016 - Regular meeting – 9 am*
- d. *May 12, 2016 – Annual meeting – 1 pm*
- e. *July 21, 2016 – 9 am*
- f. *September 15, 2016 – 9 am*

13. Adjournment

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