

Arkansas State Board of Embalmers and Funeral Directors  
Board Meeting

MINUTES

Thursday, September 4, 2014, 9:00am  
101 East Capitol, Conference Room C  
Little Rock, AR

Chairman James Terry Woodard called the meeting to order. Members present were: Vice Chairman Bobby Thurman, Bobby Burns, and Jerry Adams. Board Members absent were: Patricia Roberts and Ben Brazzel. Staff that were present: Amy Goode, Executive Secretary, Leslie Stokes, Inspector, and Mark Ohrenberger, Board Counsel.

**1. Introduction of the Board**

**2. Oral Examinations**

- a. **Shonne Mick** - was administered his oral exam.
- b. **Jerrod Lowe** – was administered his oral exam.

**3. Hearings**

- a. **In the matter of : Christopher Ross, a licensed funeral director**

Assistant Attorney General Karen Wallace served as Hearing Officer and swore in witnesses.

Assistant Attorney General Mark Ohrenberger represented the Board.

Christopher Ross represented himself.

Amy Goode – Executive Secretary witness for the Board.

Jean Mixon– complainant witness for the Board.

Court Reporter – Faith Grigsby – Grigsby Reporting Service

Ms. Wallace swore in the witnesses for the record.

Hearing Officer Karen Wallace called the hearing on the record and explained the purpose of the hearing. Ms. Wallace explained that the Board would base its decision solely on evidence presented today and 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. Wallace allowed Mr. Ohrenberger Board's exhibit packet numbered 1 -4. Mr. Ohrenberger called Ms. Goode for proof of service of the notice of hearing. Mr. Ohrenberger gave a brief opening informing the Board this was a very straight forward case there is exactly one issue presented. That is an allegation that Mr. Ross violated our statute §17-29-311 a (18) which prohibits a licensee from committing misrepresentations or fraud as a holder of a license. Ms. Mixon alleges that in August of 2013 she purchased a tombstone from Mr. Ross in the amount of four hundred twenty-six dollars (\$426). At least as of April of 2014 this year this tombstone still had not been delivered.

Motion made by Thurman to find factual allegation 1-3 factual, seconded by Burns, all in favor. Motion carried.

**FINDINGS OF FACT**

A.1. Respondent Christopher D. Ross is currently licensed as a funeral director in the State of Arkansas. His license was first issued on May 12, 2004.

A.2. On or about August 7, 2013, Complainant Jean Mixon purchased a tombstone from Respondent for a total of \$426.60, including tax. Ms. Mixon paid the purchase price, plus tax, in full on or about August 7, 2013, and Respondent delivered a receipt to Ms. Mixon for her payment.

A.3. As of at least April 14, 2014, Respondent had not delivered the purchased tombstone to Ms. Mixon.

Motion made by Burns to find charge C. 1 true, seconded by Adams, all in favor. Motion carried.

### **CONCLUSIONS OF LAW**

C.1. By promising to provide a tombstone to Ms. Mixon, taking her money, and then failing to provide the promised tombstone for at least the next nine months, Respondent is guilty of making misrepresentations or committing fraud in his role as a licensed funeral director, in violation of Ark. Code Ann. § 17-29-311(a)(2).

Motion made by Thurman to issue a letter of reprimand to Mr. Ross and place his funeral director's license on probation for a period of six (6) months and if Mr. Ross has any other violations during this probation period he will be required to reappear before this Board, seconded by Burns, all in favor. Motion carried.

### **ORDER**

In light of the violations found in this order, the Board orders that a letter of reprimand shall be issued to the Respondent, and the Respondent's funeral director's license shall be placed on probation for a period of six months from the date of this order. If the Respondent is found to have committed further violations of the license law or Board regulations during the probationary period, he will be sanctioned more severely than he might otherwise be sanctioned for such conduct.

#### **4. Complaints**

a. ***Case#14-7 Price, Opal V. Brazzel-Cornish Funeral Home, Ben Brazzel, Funeral Director/Manager***

Motion made by Burns to set matter for a hearing for clarity and to protect the integrity of the Board, seconded by Woodard, all in favor. Motion carried.

b. ***Case#14-8 Haliburton & Allen V. Christopher Ross, Funeral Director***

c. ***Case#14-9 McAdoo, James V. Christopher Ross, Funeral Director***

Motion made by Burns to table case #14-8 & 14-9, for further investigation, seconded by Adams, all in favor. Motion carried.

d. ***Case#14-10 Prather, Patricia V. AR Funeral Care, LLC, LeRoy Wood, Funeral Director/Manager***

Mr. Jerry Adams recused himself from discussing this case and we had to table it until November 13, 2014 for lack of a quorum.

e. ***Case#14-11 – Walker, Eddie Mae V. Davis-Strickland Funeral Home, Warren & Matthew “Peaches” Strickland, Manager and Funeral Director***

Motion made by Woodard to set the matter for a hearing, seconded by Burns, all in favor. Motion carried.

#### **5. Administrative**

a. Motion made by Adams to approve minutes of the August 14, 2014 Board meetings, seconded by Thurman, all in favor. Motion carried.

b. Motion made by Burns to accept and approve the August 2014 trial balance and DF&A financial reports as delivered, seconded by Adams, all in favor. Motion carried.

#### **6. Board Discussion**

- a. **Reliable Recovery Services, LLC.** – Executive Secretary explained that Mr. Tremain Weeks was wanting to apply for his transport service license. Mr. Weeks is currently a resident of Georgia and holds a Florida driver's license. Motion made by Burns that the Board would consider the application for a transport service license when Mr. Weeks becomes a resident of Arkansas and receives an Arkansas driver's license, seconded by Adams, all in favor. Motion carried.
- b. **Ozetta Hill Johnson** – Executive Secretary explained that Ms. Johnson had provided an official transcript, however the records did not reflect a date of graduation. Motion made by Adams for Ms. Johnson to provide the proper documentation for her student funeral director application, seconded by Burns, all in favor. Motion carried.

7. **Inspector Updates – Leslie Stokes**

Ms. Stokes explained she has visited several funeral homes since our last meeting. When the inspections are done she completes an inspection report on each one and makes notes of what needs to be improved; they sign it and she signs it so there is a record of her being there. She is seeing the most problems with GPL's and FTC issues and has collected some of those GPL's. There are a lot of places that do not have the required number of caskets and some that don't have the price displayed on them. Has found unauthorized equipment in prep rooms and has made note of that. Informed them they needed to remove those items and has noted to follow up. Having issues still with biohazard bags and proper disposal of their medical waste. Another issue that she would like to know how the Board would like to handle is Brandon's Mortuary has a location in Hot Springs that burned apparently a couple of years ago and it's just a vacant lot. They still hold the license for the establishment. They also have two other locations. Ms. Brandon informed the Inspector that she does all her business out of Malvern for Hot Springs and that she holds on to the license because she hopes to rebuild one day in that location. The Board stated she should surrender that license in Hot Springs.

Motion made by Adams to have Executive Secretary inform Brandon's Mortuary to surrender the Hot Springs location license until she has an establishment per Ark. Code Ann. §17-29-503 (2), seconded by Burns, all in favor. Motion carried.

The Board addressed some of the Inspector's concerns and advised her to proceed with enforcing the rules and regulations.

8. **Attorney Updates – Mark Ohrenberger**

- a. **In the Matter of: Javier Buck and Richardson Memorial Funeral Home** – There has not been any movement on the case.
- b. **In the Matter of: Effie Collins and Collins Chapel** – Mr. Ohrenberger stated the administrative record and our response to the petition for judicial review were both due on August 27, 2014. They were filed on August 27, 2014. The next step in the process is to get a briefing schedule, so that parties can make their two arguments it will be the appealing parties responsibility to go first and then we will respond to whatever they argue. Eventually it will be set for a hearing in front of Judge Fogelman.

9. **Meeting dates:**

- a. November 13, 2014 – 9AM
- b. January 8, 2015 – 9AM
- c. March 12, 2015 – 9AM
- d. May 14, 2015 regular meeting 9am and annual meeting 1pm.

10. **Adjournment**

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