

Arkansas State Board of Embalmers and Funeral Directors  
Board Meeting

MINUTES

Thursday, May 12, 2016  
101 East Capitol Avenue  
Arkansas River Room, 3<sup>rd</sup> Floor  
Little Rock, AR  
Approximately 9 a.m. - 1:30 p.m.

President James Terry Woodard called the meeting to order. Members present were: Vice-President Bobby Thurman, Bobby Burns, Patricia Roberts, Sylvester Smith, and John Wilkerson. The 4<sup>th</sup> district position is still vacant and awaiting an appointment. Staff that were present: Amy Goode, Executive Secretary, Tammy Leakey, Inspector, Julie Chavis, Assistant Attorney General and Daniel Faulkner, Assistant Attorney General which both served as Board Counsel.

1. **Call to Order**- Introduction of Board members and anyone wishing to speak before the Board today.
2. **Agenda Adoption** - Motion made by Burns to adopt the agenda as printed, seconded by Wilkerson, all in favor. Motion carried.
3. **Hearings**
  - a. ***In the matter of Kincaid Funeral Service, a Type A Funeral Establishment and Timothy Weems, a Licensed Funeral Director and Manager – Case#15-43***

President James Terry Woodard recused himself from the hearing.

Assistant Attorney General Karen Wallace served as Hearing Officer and swore in witnesses.  
Assistant Attorney General Julie Chavis represented the Board.  
Beulah Kincaid-Screws was represented by Ron Sheffield.  
Amy Goode – Executive Secretary witness for the Board.  
Court Reporter – Tiffanie Harrison - Harrison Court Reporting.

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, to promote a fair hearing. This hearing is subject to the Freedom of Information Act and is open to the public. Wallace inquired if Board counsel was ready to begin. Ms. Chavis stated on the record that the parties had a consent agreement they would like to present to the Board for its approval. Permission granted to publish exhibit 1 to the Board.

**CONSENT AGREEMENT**  
**FOR**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW**  
**AND FINAL ORDER**  
**FINDINGS OF FACT**

1. Respondent Funeral Home was licensed as a Funeral Establishment Type A in the State of Arkansas at all times relevant to this complaint.
2. Respondent Beulah Kincaid Screws held a funeral director's license issued by the Board and served as the licensed funeral director under whose general management and supervision Kincaid Funeral Service, a licensed Funeral Establishment Type A, operates. In connection with all matters described in the hearing notice, Respondent Beulah Kincaid Screws was so licensed at all times relevant to the matters addressed therein.
3. On December 18, 2015, the Board received a complaint from former Board inspector/investigator, Leslie Stokes ("Complainant").
4. Complainant stated that she was contacted by Cross County Coroner James Terry Woodard regarding the death certificate of John Henry Young who died on October 7, 2015.
5. Complainant states that Mr. Woodard, as the Coroner, had pronounced Mr. Young's death, and that Kincaid Funeral Service in West Helena was going to handle the funeral arrangements.
6. Complainant states that Mr. Woodard informed her several days later that Kincaid Funeral Service had sent him a death certificate to sign, and he noted that the death certificate indicated that the body had been cremated at DE Cremator. Mr. Woodard was concerned that Mr. Young had been cremated without a signed death certificate.
7. Complainant states that she was informed that Mr. Woodard contacted Respondent Screws and inquired where Mr. Young's body had been sent for cremation, and she informed him Bishop-Crites in Greenbrier, Arkansas. She also informed him that Mr. Young's body had been transported to Ruff Mortuary, who was to then transport Mr. Young to Bishop-Crites for cremation. Kincaid Funeral Service paid Ruff Mortuary for the cremation. Ruff Mortuary then paid Bishop-Crites.
8. Complainant states that she went to Bishop-Crites, and Mr. Young had in fact been cremated. Jeff Crites had the following documentation for cremation:
  - A Burial Transit Permit (which his funeral home had to originate because Kincaid Funeral Service did not send one:
  - A signed death certificate:
  - A DE Cremator cremation authorization that had been signed by Mr. Bobby Harris, brother of the deceased.
9. Complainant states that the death certificate was signed by a Sonya Allen, R.N., License # R41480, and the cause of death was pending. Mr. Young was not under hospice care. Mr. Woodard is the one who pronounced Mr. Young's death and is the one who should have signed the death certificate. Further research showed that the nurse license number does not belong to a Sonya Allen, and there is no R.N. registered under that name in the State of Arkansas.
10. Complainant explained that she spoke with Respondent Screws and that she informed Ms. Stokes that it was just an oversight and she had no idea who had signed the death certificate.
11. Complainant states that Respondent Funeral Home did not mail the death certificate to Mr. Woodard until October 17, 2015. Respondent Funeral Home had already received by certified mail the cremains of Mr. Young on October 13, 2015, had a memorial service for him, and returned the cremains to the family before Respondent Funeral Home ever sent the death certificate to be signed by Mr. Woodard.

#### **CONCLUSIONS OF LAW**

12. The charges set out in C-1 of the Order and Notice of Hearing were not proven.
13. Respondent's actions, as set out above, constitute a violation of Ark. Code Ann. § 17-29-311(a)(9), in that she violated Ark. Code Ann. § 17-29-311(a)(10).

14. Respondent's actions, as set out above constitute a violation of Arkansas Code Annotated § 17-29-311(a)(10) with regard to the final disposition of dead human bodies.
15. The charges set out in C-4 of the Order and Notice of Hearing were not proven.

### ORDER

By agreement of the parties and the approval of the Board:

1. The Type A Establishment License of Kincaid Funeral Services, Inc., and the Funeral Director License of Beulah Kincaid Screws are on probation for one (1) year effective June 1, 2016. The probationary period terminates on June 1, 2017.
2. During the one (1) year probationary period, Ms. Kincaid Screws shall institute the use of the Death Certificate Case Log that she presented to the Board in each of her funeral homes. During the one (1) year probationary period, Ms. Kincaid Screws shall submit these forms to Amy Goode one (1) time per month, no later than the 5<sup>th</sup> day of each month, beginning on July 5, 2016. Her last submission of these reports shall be no later than the 5<sup>th</sup> day of July 2017 for the last month of her probationary period, June 2017. If Ms. Goode discovers any discrepancies in the reports, she shall discuss them with Ms. Kincaid Screws. Ms. Goode agrees to shred these forms after reviewing them and discussing any discrepancies with Ms. Kincaid Screws.
3. Respondent Beulah Kincaid Screws agrees to pay a fine in the sum of \$1,000.00. Said fine is due and payable to the Arkansas State Board of Embalmers and Funeral Directors no later than thirty (30) days after the date this Consent Agreement is signed by Amy Goode, Executive Secretary of the Board.

Motion made by Smith to amend the proposed consent agreement to place the funeral establishment and Ms. Screws funeral director license on probation for one (1) year to begin June 1, 2016, issue a civil penalty in the amount of one thousand (\$1,000) dollars due within thirty (30) days of the signed order, and that the remainder of the agreement shall remain the same, seconded by Burns, all in favor. Motion carried.

Respondent acknowledges her right to consult with counsel and voluntarily agrees to enter into this Consent Agreement on her own volition and without reliance upon any representations by the Board or any representative thereof, other than expressly set forth herein. Respondent hereby waives any further procedural steps including, without limitation, her right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity or enforceability of this Consent Agreement.

***b. In the matter of Robinson Mortuary, a Type A Funeral Establishment and Kenneth Robinson, a Licensed Funeral Director and Manager – Case #15-38***

Motion made by Burns to grant a continuance per Board counsel request until a later date to be announced, seconded by Thurman, all in favor. Motion carried.

#### **4. Complaints**

- a. ***Case#16-4 – In the matter of Gunn Funeral Home, a Type A Licensed Funeral Establishment and Derrick Gunn, a Licensed Funeral Director***
- b. ***Case#16-8 - In the matter of Gunn Funeral Home, a Type A Licensed Funeral Establishment and Derrick Gunn, a Licensed Funeral Director and Manager***
- c. ***Case#16-9 - In the matter of Moore's Funeral Home, a Type A Licensed Funeral***

Motion made by Burns to proceed to a hearing due to possible violations, seconded by Sylvester, all in favor. Motion carried.

**5. Inspector Updates – see attached Word document.**

**6. Meeting dates:**

**a. July 21, 2016 – 9 am**

**b. September 15, 2016 – 9 am**

**c. November 10, 2016 – 9 am**

**7. Adjournment**

Motion made by Thurman to adjourn at 1:30 p.m., seconded by Smith, all in favor. Motion carried.