

Arkansas State Board of Embalmers and Funeral Directors  
Board Meeting

MINUTES

Wednesday, May 14, 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. **Gerald Langston** was administered his oral exam.

3. **Reinstatement of License**

- a. **Darnell Washington** – Mr. Washington was licensed in April 2000 and renewed his license each year for a period of four years. His last license expired December 31, 2004. Mr. Washington if approved will be required to retake the Arkansas Laws, Rules, and Regulations exam and pay the delinquent fees of \$460 in order to be reinstated. Mr. Washington stated he was in and out of town, wasn't really using the license and just failed to renew them. He is located in West Helena and has had no convictions. Motion made by Brazzel to proceed with the necessary steps of regaining licensure by passing the ARLRR exam and paying the \$460, seconded by Roberts, all in favor. Motion carried.

4. **Hearings**

- a. **In the matter of: Carl Ussery, Applicant for Student Funeral Director**

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

Assistant Attorney General Katina Hodge represented the Board.

Carl Ussery represented himself.

Ester Mitchell – Funeral Director and Assistant Manager at Williams Funeral Home

Court Reporter – Ms. Faith Grigsby- Grigsby 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 33 pages that was stipulated by both parties. There was no objection from Mr. Ussery to allow the exhibit to be entered into the record.

Ms. Hodge gave a brief opening explaining that Mr. Ussery submitted an application for a student funeral director application and when submitting his application he self-disclosed his criminal history. The Board has the authority to hear cases concerning a criminal conviction and can approve or deny such applications for licensure. Mr. Ussery confirmed for the record he had received the notice of hearing for today. Mr. Ussery is currently paying fines and has mandatory reporting requirements for a term of six (6) years for a suspended sentence. He has had no further convictions since 2012. Ms. Ester Mitchell works for Williams Funeral Home and she explained that Mr. Ussery has

worked around the funeral home for about ten (10) years assisting them with vehicles, flowers, and etc. He is the handyman around the funeral home. Ms. Mitchell has known respondent for approximately twenty or thirty years. They wanted to give him the chance to advance in life and with the funeral home. Ms. Mitchell had two letters of reference that were entered into the record as respondent exhibit 1 & 2.

Motion made by Thurman to find factual allegations 1-5 true, seconded by Roberts, all in favor. Motion carried. Motion made by Thurman to find charge C. 1 be found true, seconded by Roberts, all in favor. Motion carried. Motion made by Thurman to allow Mr. Ussery to seek funeral director licensure with the stipulation that he will be on probationary basis that will run concurrent with his suspended imposition of sentence. If Mr. Ussery violates the terms of his probation, then he shall be required to appear before the Board for a determination of whether to continue his apprenticeship or licensure, seconded by Roberts, all in favor. Motion carried 3-2.

#### **FINDINGS OF FACT**

1. Applicant has submitted an application to the Board to apprentice in the business of funeral directing pursuant to Rule V of the Rules of the Arkansas State Board of Embalmers and Funeral Directors.
2. Applicant has been accepted as an apprentice at Williams Funeral Home, and will serve under Roland Gosey, Ester Mitchell, Stephanie Moore, and James Giles.
3. In making application to the Board to apprentice, Applicant self-disclosed his past criminal convictions.
4. Pursuant to Ark. Code Ann. § 17-29-302(a)(3), every person that desires to engage in the business of funeral directing shall serve as an apprentice for twenty-four (24) months.
5. Pursuant to Ark. Code Ann. § 17-29-311, the Board "may . . . refuse to issue a license . . . for the practice of embalming or funeral directing or may place the holder thereof on a term of probation after proper hearing upon the finding the holder of the license to be guilty of acts of commission or omission, including the following: (1) Conviction of a felony."

#### **CONCLUSION OF LAW**

The Board may refuse to issue Applicant a license in the business of funeral directing based on his felony convictions.

#### **ORDER**

Based upon the evidence and testimony presented at the hearing, the Boards finds that Respondent should be permitted to register as an apprentice and seek licensure as a funeral director on a probationary basis. The term of Respondent's probation shall run concurrently with Respondent's current term of probation and/or suspended imposition of sentence. If Respondent violates the terms of his criminal probation and/or suspended imposition of sentence, then he shall come before the Board for a determination of whether his apprenticeship or licensure should be maintained and/or whether any other sanctions should be imposed.

#### ***b. In the matter of: Christopher D. Ross, Licensed Funeral Director***

Assistant Attorney General Peggy Johnson served as Hearing Officer and swore in witnesses.  
Assistant Attorney General Katina Hodge represented the Board.  
Christopher D. Ross represented himself.  
Complainant Ms. Linda Coleman represented herself.  
Court Reporter – Ms. Faith Grigsby- Grigsby 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 23 pages that was stipulated by both parties. There was no objection from Mr. Ross to allow the exhibit to be entered into the record.

Ms. Hodge stated this was a complaint filed by Ms. Coleman about a veterans administration refund. Mr. Ross stipulated to factual allegations 1-7. Mr. Ross agrees that Ms. Coleman is owed \$1,400.00. Ms. Hodge informed the Board that the charge is misrepresentation or fraud, but Mr. Ross's position is it was a mistake. He takes

responsibility that he allowed his partners and workers to handle the affairs. He has taken on another job to pay the money back. He failed to make sure his employees were doing their job. He had been in two car accidents and his son was injured in Afghanistan.

Motion made by Burns to find factual allegations 1-7 true, seconded by Brazzel, all in favor. Motion carried.

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

Motion made by Brazzel to levy a \$1,400 civil penalty to be rescinded if the Board receives cashier's check payable to Linda Coleman within two weeks, all in favor. Motion carried.

#### **FINDINGS OF FACT**

1. Respondents, Christopher Ross is licensed by this Board and C.D. Ross Funeral Home was closed by this Board in September 2013.
2. On April 6, 2012, Respondent conducted funeral services for Titus Oates.
3. The expenses related to Mr. Oates funeral totaled \$5,522.00
4. The fees and expenses related to Mr. Oates funeral services were paid in full on or about April 6, 2012.
5. On March 14, 2013, Complainant received a letter from the Department of Veterans Affairs, stating that it had sent Respondent a check for \$1,400 for expenses related to Mr. Oates funeral services.
6. Complainant contacted Respondent to request a refund of the \$1,400 overpayment; however, Respondent failed to return her telephone calls.
7. The State Board of Embalmers and Funeral Directors may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of embalming or funeral directing, or may place the holder thereof on a term of probation after proper hearing upon finding the holder of the license to be guilty of acts or omission as set forth in Arkansas Code Annotated § 17-29-311 and its Rules and Regulations.

#### **CONCLUSION OF LAW**

C.1 Respondent violated this Board's Statutes and/or Rules and Regulations as set forth in Arkansas Code Annotated § 17-29-311 (a)(2), which includes "Misrepresentations made or fraud committed as a holder of a license," when Respondent retained the \$1,400 it received from the Department of Veteran Affairs where the fees and expenses related to Titus Oates funeral services had been paid in full.

#### **ORDER**

Based upon the evidence and testimony presented at the hearing, the Boards orders that Respondent pay a Civil Penalty of \$1400; however, if within two weeks, Petitioner submits a cashier's check in the amount of \$1400 payable to Linda Coleman to the Board's office, then the penalty will be waived.

#### ***c. In the matter of: Leonard Fitzgerald, A Licensed Funeral Director and Embalmer Reinstatement***

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

Assistant Attorney General Katina Hodge represented the Board.

Leonard Fitzgerald was represented by Counsel James Valley

Eugenia Jordan and Calvin Jordan appeared as witnesses.

Court Reporter – Ms. Faith Grigsby- Grigsby 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 43 pages that was stipulated by both parties. There was no objection from Mr. Fitzgerald and Mr. Valley to allow the exhibit to be entered into the record.

Ms. Hodge opened with Mr. Fitzgerald has applied to this Board for reinstatement of his licenses. They were previously revoked in 2003 for period of one year contingent that he pay restitution in the amount of \$43,000.00 that

arose from the complaint filed by Ozark National Life Insurance Company; involving misappropriation of life insurance premiums.

Mr. Valley stated it has been over eleven years and he takes the position he be allowed to be reinstated. He has been without his license since then. He was charged, but never convicted and his record was sealed in 2014.

Mr. Fitzgerald stated he had paid \$1,000; Ms. Hodge inquired if anybody at the insurance company has told him he didn't owe the money. Mr. Fitzgerald stated he had not.

Mr. Valley asked Mr. Fitzgerald if he had signed the statement accepting full responsibility for shortage on page 31 of the exhibit. Did you take the money or what did that mean? He stated he was responsible and in charge of it, but a lot of those people had lapsed. He stated that he was the manager of the funeral home, but when people came in they paid money to Frank Ella Jordan. Mr. Fitzgerald stated he had filed bankruptcy in 2003 and Mr. Valley wanted to keep the record open until he could provide the documentation that he had filed chapter 13. Ms. Hodge stated she didn't feel that was relevant and would object to keeping the record open. The matter before us today is whether or not Mr. Fitzgerald should be allowed to reinstate. The Board's Order was final and Mr. Fitzgerald was unsuccessful in appealing the Board's order. The Board has already found he was responsible and that he committed misrepresentation back in 2003. That's not the issue and neither is the bankruptcy. It's about whether or not he can be reinstated and if he has complied with the Board's 2003 order. Mr. Valley stated again about the issue with the bankruptcy, but Ms. Hodge explained that this is Mr. Fitzgerald's hearing and the Board has no documentation or facts to consider before them. Ms. Johnson stated she would not keep the record open for that matter.

Mr. Calvin Jordan stated for the record that Mr. Fitzgerald was an independent agent for Ozark National and no one else was collecting for Ozark National.

Motion made by Burns to find factual allegations 1-7 to be found true, seconded by Brazzel, all in favor. Motion carried.

Motion made by Thurman to find the statement of law be found true, seconded by Roberts, all in favor. Motion carried.

Motion made by Adams to deny Mr. Fitzgerald's request for licensure until the previous Board's Order has been satisfied and that Mr. Fitzgerald makes full restitution to Ozark National Life, seconded by Burns, all in favor. Motion carried.

### **FINDINGS OF FACT**

1. Petitioner has submitted a request via his attorney 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 October 7, 2003, concerning Petitioner's Funeral Director's license. Petitioner failed to appear that the October 2003 hearing.

3. At that hearing, the Board heard a complaint filed by Jim Thomas of Ozark National Life Insurance Company. The complaint alleged that, while employed at Jackson & Highley Funeral Home, Petitioner was responsible for selling insurance for Ozark National Life Insurance Company. During an audit completed by Jim Thomas and Petitioner, it was discovered that there was a shortage in the amount of \$43,920.58 in insurance premium payments.

4. Included with a complaint was a signed document wherein Petitioner admitted responsibility for the shortage.

5. The Board found Petitioner in violation of Arkansas Code Annotated § 17-29-311(a)(2) and (a)(18) for failing to respond to the complaint within fifteen days and for misrepresentation.

6. Petitioner's license was suspended for one year on the condition that he remit \$43,920.58 to the Ozark National Life Insurance Company prior to seeking reinstatement.

7. 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.

## 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.

### ORDER

Based upon the evidence and testimony presented at the hearing, the Board orders that Respondent's petition should be denied. In accordance with the Board's previous order, Respondent may come back to the Board upon making full restitution to Ozark National Insurance Company and seek reinstatement.

***d. In the matter of: Effie Collins, a Licensed Funeral Director and Collins Chapel a Funeral Establishment***

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

Assistant Attorney General Katina Hodge represented the Board.

Effie Collins was represented by Counsel Larry Steele.

Amy Goode, Executive Secretary witness for the Board

Court Reporter – Ms. Faith Grigsby- Grigsby Reporting Services

Mr. Terry Woodard informed hearing officer Johnson that he would recuse himself from this hearing, due to his name being mentioned in previous cases before this Board and Ms. Collins.

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 48 pages. Mr. Steele did have objection to the exhibit, but understands this is an administrative hearing and that the rules of evidence do not always apply. For the record he would have to object due to some of the content in the exhibit. Ms. Johnson noted for the record Mr. Steele's objection to the exhibit, but will allow it to be entered into the record. Mr. Steele was concerned the Board was considering old information to determine their decision today and was allowed by Ms. Johnson to enter his exhibit concerning Garland Camper into the record, but did not feel it had any bearing on the decision before this Board today.

Ms. Hodge stated she understood Mr. Steele's concerns and explained the exhibits do include the Board's previous orders, but not for the purpose for her to ask the Board to reconsider or re-litigate. Ms. Collins's licenses were revoked after a number of hearings and after the Board found that she was simply unfit to engage in the practice. So by way of history and why the Board found her unfit to practice those documents were included. The Board has to consider now present day if Ms. Collins is now fit to practice and the Board needs that history to understand.

Ms. Hodge gave a brief opening that Ms. Collins through her Counsel has asked to appear before this Board for the reinstatement of her funeral director license and the establishment Collins Chapel.

Mr. Thurman inquired if Ms. Collins consulted with Mr. Mays to determine if he would have an Arkansas Licensed Funeral Director present; for the service he performed in her chapel. She stated she did not know she just let them use her chapel, it was not her place to know. Ms. Hodge inquired of Ms. Collins what she has done since the Board's actions to rectify the matter and to show the Board that these situations will not come up again. Ms. Collins stated she completed a program called FROP with NFDA. It's a FTC compliance program. Ms. Collins was unable provide the Board with completion documents.

Motion made by Burns to find factual allegations 1-22 true, seconded by Roberts, all in favor. Motion carried.

Motion made by Burns to find the statement of law true, seconded by Brazzel, all in favor. Motion carried.

Motion made by Adams that Ms. Collins request be denied, seconded by Brazzel, all in favor. Motion carried.

## **FINDINGS OF FACT**

1. Petitioner has submitted a request by and through her attorney to the Board to reinstate her license to engage in the business of funeral directing to the Arkansas State Board of Embalmers and Funeral Directors. Petitioners also seek to reinstate the establishment license issued to Collins Chapel Mortuary.
2. A summary of the Petitioners background leading to the revocation of licenses is as follows.
3. On January 22, 2008 and March 18, 2008, the Board held hearings on a complaint filed with the Board concerning Fanny Mae Jackson, who died on May 9, 2007. Effie Collins did not appear at the January 22, 2008 hearing, but her attorney did. Both Petitioner and her attorney were present at the March 18, 2008 hearing.
4. According to a complaint filed by Mike Adams, State Registrar and Director of the Division of Vital Records for the Department of Health, and the testimony of Steve Whisnant, Vital Records Field Representative with the Arkansas Department of Health, and other evidence the Board found that: (1) Petitioner handled the funeral and disposition of body for Fanny Mae Jackson; (2) As of August 13, 2007, after numerous contacts by the Department of Health and the family, Petitioner failed to file the death certificate for Fanny Mae Jackson.
5. The Board concluded that Petitioner had violated Arkansas Code Annotated § 17-29-311(a)(9) – (10), § 20-18-303, § 20-18-601, as well as Rules pertaining to Vital Statistics. The Board also concluded that Petitioner had failed to meet the needs and desires of the arrangers of Ms. Jackson's funeral, thereby violating Board Rule XIV.
6. The Board ordered that Ms. Collins' licenses be suspended for a period of one year and that the funeral establishment pay a civil penalty of \$1500 within thirty (30) days of the Board's order.
7. On July 15, 2008, the Board held a hearing on another complaint filed against Petitioner and her Funeral Establishment.
8. According to the complaint, Petitioner overcharged for funeral goods and services related to Captain Jeffrey S. Hampton, who died on November 21, 2007.
9. The Board concluded that: (1) Petitioner engaged in Misrepresentation, a violation of Arkansas Code Annotated § 17-29-311(a)(2), in connection with the exorbitant prices charged for Mr. Hampton's funeral; (2) Applicant's price list did not comply with Board Rule XII and Federal Trade Commission Practice Rules; and (3) the numerous violations of state and federal law rendered Petitioner unfit to practice as a funeral director.
10. The Board also found that Petitioner was guilty of malpractice.
11. The Board ordered Applicant's license be suspended for an additional year, commencing upon the expiration of the one year suspension ordered following the March 18, 2008 hearing.
12. The Board also ordered that Applicant's funeral establishment license be placed on probation.
13. On May 28, 2009, the Board held a hearing on another complaint against Petitioner. Petitioner failed to attend the hearing.
14. Based on the evidence presented at the hearing, the Board found that: (1) Though Petitioner's license was suspended, she acted as the funeral director and made arrangements for Charles Ellis; (2) The family was not provided a price list or a written statement prior to the rendering of services; (3) Petitioner signed the Proof of Death claim, though she was not licensed; (4) Petitioner failed to follow the family's instructions concerning preparation, casket selection, and transfer of the body; and (5) Petitioner forged a family member's signature on an Assignment of Proceeds of Insurance to United Heritage.
15. The Board concluded that (1) Petitioner violated Arkansas Code Annotated § 17-23-311 (e) and (h) by acting as a funeral director when she was not licensed; (2) Petitioner held herself out as a funeral director at a time when she was not licensed, in violation of Arkansas Code Annotated § 17-29-311 (e) and (h); (3) Petitioner engaged in misrepresentation in violation of Arkansas Code Annotated § 17-29-311(a)(2); (4) Petitioner violated Board Rule XVI and the analogous requirements of the Federal Trade Commission's Funeral Industry Practices Rule by failing to provide a price list prior to rendering services; and (5) Petitioner violated Board Rule XII by failing to provide a written statement of goods and services selected.
16. Based on the above violations, the Board ordered that Petitioner's licenses be revoked, including Ms. Collins' Funeral Director's licenses and the Collins Chapel Mortuary establishment license.
17. On May 24, 2011, the Board held a hearing on the Petitioner's request for license reinstatement as a licensed funeral director and establishment license for Collins Chapel Mortuary.
18. Based upon the testimony and other evidence, the Board found that: (1) During the time Petitioner's licenses was suspended, she signed Death Certificates, insurance assignments and statements of Funeral Goods and Services; (2) After Petitioner's licenses was revoked, Board staff received numerous complaints that Petitioner was acting as a funeral director after her licenses was revoked, Board Inspector Boyd Heath and Captain Larry Robinson, Mississippi County Sheriff officer, observed funerals and graveside services being conducted by Collins

Chapel Mortuary and Effie Collins, and obituaries from the Blytheville Courier showed that Collins Chapel Mortuary provided funeral services after the establishment licenses had been revoked; (3) an embalmer reported to the Board that Effie Collins has listed his name on death certificates as having embalmed bodies when he had in fact not done so.

19. The Board concluded that Petitioner's request to be licensed as a funeral director should be denied. The request for an establishment license for Collins Chapel Mortuary was also denied.

20. Petitioner challenged each of the Board's decisions, and all have been upheld.

21. In each of the cases, Petitioner has been ordered to pay costs associated with the preparation of the record.

22. Since the 2011 hearing before the Board, Board staff has received telephone calls and other communication concerning Petitioner's continued practice as a funeral director.

#### **CONCLUSION OF LAW**

The Board may refuse to issue or renew a license for the practice of funeral directing and embalming based upon: (1) Violation of any provision of Ark. Code Ann. § 17-29-301, et seq.; (2) Misrepresentation or fraud committed as a holder of a license; and (3) Knowingly making a false statement on a death certificate; (4) Practicing and/or holding oneself out as transacting or practicing embalming or funeral directing or operating/maintaining a funeral establishment; (5) Engaging in the practice of embalming or funeral directing or to hold oneself out to the public as practicing embalming and/or funeral directing without being the holder of a license.

#### **ORDER**

The Board concludes that, at this time, Petitioner's request for reinstatement should be denied. During the hearing, Petitioner's testimony demonstrates that Petitioner does not fully understand the importance of this Board governing statutes and rules and the applicability of those governing statutes and rules to the practice of funeral directing and establishments licensed by this Board. Petitioner has failed to pay all outstanding costs/fines imposed in previous cases. Additionally, Petitioner has failed to demonstrate what, if any, meaningful steps she has taken to demonstrate her willingness to abide by this Board's rules and what, if any, meaningful steps she has taken to rectify the issues that led to this Board's decision to revoke her licenses.

#### **5. Administrative**

- a. Motion made by Brazzel to accept as written the minutes of the March 13, 2014 Board meeting with necessary corrections, seconded by Burns. All in favor, motion carried.
- b. Motion made by Brazzel to accept and approve the March - April 2014 trial balance and DF&A documents as delivered, seconded by Roberts. All in favor, motion carried.

#### **6. Complaints**

- a. **Case# 12-12 – Dudley, Karanya V. Lyles Funeral Home, Roy Lyles- Funeral Director and Manager** – It's a back and forth between Ms. Dudley and Mr. Lyles, she alleges she did get copies of death certificates or receipt for a funeral. Ms. Hodge stated the Board's response back in October 2012 resolves this issue. She does not understand the nature of her complaint. Motion made by Brazzel to dismiss the complaint, seconded by Adams, all in favor. Motion carried.
- b. **Case#14-4 – McCree, Gloria V. Davis-Strickland Funeral Home, Matthew "Peaches" Strickland, Funeral Director and Warren Strickland, Manager and Funeral Director** – This is a case where Ms. McCree phoned Davis-Strickland and gave permission for them to make the removal of her loved one. There was a back and forth between them about cremation. She had received a price from another funeral home and wanted the body removed. Ms. Strickland told Ms. McCree that the body had already been embalmed because state law requires the body be embalmed before cremation. There are a few reasons to set for hearing, if Ms. Strickland did state that state law requires embalming prior to cremation, refusal to release a body, misrepresentation of fraud, and other potential rule violations. Motion made by Burns to set matter for hearing, seconded by Brazzel, all in favor. Motion carried.
- c. **Case#14-5 - Mixon, Jean V. Christopher D. Ross, Funeral Director** – Similar to the case you heard today. He admits liability for failing to furnish the headstone and he failed to satisfy the needs of the family. Motion made by Adams to set the matter for hearing, seconded by Burns, all in favor. Motion carried.

7. **Board Discussion**

- a. **Funeral Home Managers distance between locations. Peaceful Rest-West Helena, Christian Brothers**
- b. **Funeral Home Managers not on site for years – Davis-Strickland** – Executive Secretary mentioned that these two matters will likely be addressed when the rules committee is able to finalize their draft of rule changes.
- c. **Venetta Peaster – Arms of Peace – Needs permission to for temporary location.** Explained she lost her lease at 1715 Scott Street and she is currently looking for a new location. She stated that she contacted the Board office to let the Board know, because she is a woman who takes pride in her licenses and a woman of integrity. She has received permission from Alex Watson, Watson-Northcrest and Bishop Robinson from Robinson Mortuary to use their facilities until she can find another location. Motion made by Roberts to allow Ms. Peaster a temporary location for a period up to ninety (90) days, seconded by Adams, if location not found she will be required to come back before the Board for another extension, all in favor. Motion carried.
- d. **Anonymous Complaint – Unlicensed practice** The Board office received an anonymous complaint concerning unlicensed practices. There was not enough information provided for the Board to investigate, but during normal routine inspections the matter will be investigated.
- e. **Executive Session** - Motion made by Burns that the Board dismiss to executive session for the Inspector position interview selection, seconded by Roberts, all in favor. Motion carried.

Motion made by Burns that the Executive Secretary notify two applicants Stokes and Elledge for interviews, seconded by Roberts, all in favor. Motion carried.

8. **Attorney Updates – Katina Hodge**

- a. **In the Matter of : Javier Buck and Richardson Memorial Funeral Home** – Ms. Hodge explained that Mr. Buck appeared before the Board in March 2014 on a hearing that involved a complaint filed by the Austin family. There was an allegation and a finding that Mr. Buck had allowed Karonda Smith to make funeral arrangements without a license and they solicited a body from another funeral home. The Board suspended Mr. Buck's funeral director's license for one year and fined the establishment for a number of violations. Mr. Buck is going to appeal the Board's order and hired Sheila Campbell to represent him. The APA does allow for the petitioner to seek a stay from this Board's order that would allow him to continue to operate. Ms. Campbell stated that she would ask the Board for the stay allowing them to complete the appeal process. Motion made by Burns to grant stay of suspension of funeral director license and funeral home fines, seconded by Brazzel, all in favor. Motion carried.

9. **Meeting dates:**

- a. July 10, 2014
- b. September 11, 2014
- c. November 13, 2014

10. **Adjournment**

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