

ARKANSAS STATE BOARD OF
EMBALMERS AND FUNERAL DIRECTORS

IN THE MATTER OF:

CASE# 15-4
LESLIE STOKES, BOARD INSPECTOR
V.
ARKANSAS FUNERAL CARE, LLC,
LEROY WOOD MANAGER

HEARING

January 23, 2015
Beginning at 1:00 p.m.

TIFFANIE N. HARRISON, CCR
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APPEARANCES

ON BEHALF OF THE BOARD:

Julie Chavis
Assistant Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201

Terry Woodard, Chairman of the Board

Bobby Thurman, Vice Chairman of the Board

Leslie Stokes, Board Inspector

Jerry Adams, Professional Board Member

Patricia Roberts, Professional Board Member

Bobby Thurman, Professional Board Member

Bobby Burns, Professional Board Member

Ben Brazzel, Professional Board Member

Amy Goode, Board Executive Secretary

ON BEHALF OF THE RESPONDENT:

Brian Woodruff and
Jason Kennedy
RICE & ADAMS
501 W Main St, Ste 2
Jacksonville, AR 72076

ALSO APPEARING:

Jake Jones, Hearing Officer

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CAPTION

PROCEEDINGS in the above-styled and numbered cause on the 23rd day of January, 2015, before Tiffanie N. Harrison, Arkansas Supreme Court Certified Court Reporter #757, at 1:00 p.m., in Conference Room "C" on the lower level of 101 East Capitol, , Little Rock, Arkansas, pursuant to the agreement hereinafter set forth.

* * * * *

1 PROCEEDINGS

2 January 23, 2015

3 CHAIRMAN WOODARD: We call this hearing to order.
4 At this time, I would like to introduce the Arkansas
5 State Board of Embalmers and Funeral Directors and the
6 people affiliated with us. To my right, we have Ms.
7 Julie Chavis. She's our attorney from the State
8 Attorney General's office. We have Mr. Jake Jones, he's
9 our hearing officer for this afternoon. Mr. Jerry
10 Adams, professional member. Ms. Patricia Roberts, she's
11 our senior citizen member. Ms. Leslie Stokes our
12 inspector. Ms. Amy Goode, our Executive Secretary. I'm
13 Terry Woodard, chairman. Vice Chair is Bobby Thurman.
14 Mr. Bobby Burns, professional member. Mr. Ben Brazzel,
15 he's a professional member. Our court reporter for the
16 day is Ms. Tiffanie Harrison.

17 Board members, I appreciate you all's
18 attentiveness today. This is a special call meeting, in
19 reference to Mr. LeRoy Wood and Arkansas Funeral Care.
20 At this time, I will turn it over to our hearing
21 officer.

22 HEARING OFFICER: Thank you, Mr. Chairman. This is
23 an administrative hearing before the Arkansas Board of
24 Embalmers and Funeral Directors. It's Friday, January
25 23, 2015. It's about five minutes after 1:00 p.m.

Tiffanie N. Harrison, CCR
(501) 960-2219

1 We're at 101 East Capitol Avenue, Conference Room C in
2 Little Rock, Arkansas. This is in the matter of case
3 number 15-4, Leslie Stokes, Board Inspector versus
4 Arkansas Funeral Care, LLC, LeRoy Wood, Manager.

5 The Board set a hearing for today, concerning the
6 matter specified in the Order and Notice of Hearing,
7 dated January 21, 2015. The Notice recites the law by
8 which we are having this hearing today. My name is Jake
9 Jones. I am an attorney and I'll serve as the hearing
10 officer in this matter. I understand that Mr. Wood,
11 from Arkansas Funeral Care, is present and represented
12 by counsel, Mr. Brian Woodruff. If y'all could
13 introduce yourselves, for the record.

14 MR. WOODRUFF: Sure. Brian Woodruff, attorney for
15 the respondent.

16 RESPONDENT: I'm LeRoy Wood, Arkansas Funeral Care.

17 MR. KENNEDY: I'm Jason Kennedy. I'm an attorney.
18 I'm with Mr. Woodruff.

19 HEARING OFFICER: Okay, Mr. Wood, he received a
20 copy of the Order and Notice of Hearing today?

21 MR. WOODRUFF: Yes.

22 HEARING OFFICER: Counsel for the State, would you
23 please introduce yourself for the record?

24 MS. CHAVIS: Yes. I'm Julie Chavis, I'm an
25 assistant Attorney General, and I represent the Embalmer

1 and Funeral Director's Board.

2 HEARING OFFICER: All right. Ms. Chavis, I
3 understand that you have some matters that you'd like to
4 address before we get into the hearing?

5 MS. CHAVIS: That's correct.

6 HEARING OFFICER: Okay. You can do that, at this
7 time.

8 MS. CHAVIS: Thank you. Mr. Chairman, Mr. Vice
9 Chairman and members of the commission, Mr. Woodruff and
10 I have discussed entering into a consent agreement to
11 settle this matter, and we'd like to present it to you,
12 today, for your consideration.

13 I'd like to go through -- it's about three pages
14 and I'd like to recite all of it, because it gives you
15 all of the details of the case and the proposed
16 settlement that Mr. Woodruff and I have discussed.

17 "The findings of fact are that the respondent,
18 LeRoy Wood, holds a funeral director's license, and was
19 licensed at all times relevant to the matters that are
20 addressed in this consent agreement. Mr. Wood serves as
21 a licensed funeral director under whose general
22 management and supervision Arkansas Funeral Care, LLC, a
23 licensed funeral establishment type A operates.

24 On January 12th, pursuant to Arkansas Code
25 Annotated § 17-29-205(c), Leslie Stokes, inspector for

1 the board, conducted an inspection of Arkansas Funeral
2 Care. Inspector Stokes made subsequent visits on
3 January 13, 14, 15 and 16. Contemporaneously with
4 Inspector Stokes routine annual inspection, the Board
5 received complaints against Arkansas Funeral Care from
6 Michael Jones and Darriel Ezell.

7 During her inspection, Ms. Stokes observed, and
8 documented, several violations of statutes, rules and
9 regulations that govern embalmers, funeral directors and
10 funeral establishments. Those violations are of
11 Arkansas Code Annotated § 17-29-304(e), 17-29-311(f),
12 17-29-311(a)(10), Rule VI(4)(D)(2)(c) and Rule
13 VI(4)(I)(1). And with regard to those violations,
14 Inspector Stokes observed unsanitary conditions,
15 including blood on a prep room wall and bodily fluids on
16 the floor. According to Inspector Stokes, the entrance
17 door of the holding facility, was neither locked nor
18 secured from access by the general public. The door to
19 the embalming room was unlocked.

20 On her second visit, on January 13, 2015,
21 Inspector Stokes was able to walk through th funeral
22 home, unaccompanied, to the back of the building to the
23 holding facility, which was unlocked, and entered the
24 prep room, which was also unlocked. Inspector Stokes
25 found that the cooler in the holding facility was filled

1 to beyond capacity with bodies. Each rack in the cooler
2 was occupied, two bodies were stacked on top of each
3 other on a cot on the floor of the cooler. She also
4 observed at least seven bodies outside the cooler that
5 had not been embalmed, two of which were placed side by
6 side on a wood board, sitting directly on top of two
7 wooden pallets on the floor. Another body was strapped
8 on a cot, in an obvious state of decomposition, half
9 covered in a bed sheet that was saturated in bodily
10 fluids that had seeped from the body.

11 On her second visit, on January 13th, the same
12 decomposing body was still on a cot, half wrapped in a
13 soiled sheet, unrefrigerated. Inspector Stokes noted
14 that the floor of the crematory is in poor condition;
15 it's coming apart in chunks. And she identified ashes
16 from the crematory mixed with chunks of flooring in a
17 barrel.

18 Finally, Inspector Stokes was told by Mr. Wood,
19 himself, that the graphing chart on the side of the
20 crematory was not in proper working condition and only
21 had one needle of the graph that was operating."

22 The facts set out -- as I just set out, constitute
23 violations of the code sections that I recited, 17-29-
24 304(e), 17-29-311(f), 17-29-311(a)(10) and the two rules
25 of the Board VI(4)(D)(2)(c) and VI(4)(I)(1).

1 The proposed settlement that Mr. Woodruff and I
2 have discussed, is the following: In light of the
3 violations found, the Board would accept the voluntary
4 surrender of Mr. Wood's funeral director's license and
5 the establishment license of Arkansas Funeral Care, LLC,
6 which is in his name solely. The voluntary surrender of
7 these licenses by Mr. Wood effectively closes the
8 business, Arkansas Funeral Care, LLC, unless and until
9 the funeral home itself, is issued another establishment
10 license and the properly licensed establishment then has
11 a licensed funeral director to manage the business.

12 Mr. Wood agrees to refund the money to those who
13 paid for services that were not rendered, with respect
14 to the bodies that were removed, pursuant to this
15 board's emergency Order of earlier this week.

16 Mr. Wood agrees to transfer burial policies for
17 those who did not receive services, with respect to the
18 bodies removed, pursuant to the Emergency Order earlier
19 this week.

20 Mr. Wood agrees to expedite the issuance of death
21 certificates and any unfinished paperwork for those who
22 received services and for whom death certificates have
23 not yet been issued. And that is in process, already.

24 Mr. Wood is ordered to pay a civil penalty
25 totaling \$5,500, within 60 days of the approval of this

1 order with \$3,000 of that against Mr. Wood, in relation
2 to his funeral director's license and \$2,500 with
3 respect to the establishment license that's held in his
4 name, solely. The Board agrees not to refer this case
5 to the prosecutor and this Order would conclude the
6 investigations of the complaints filed by Mr. Jones and
7 Mr. Ezell.

8 At this time, if the Board has any questions of me
9 or of Mr. Woodruff, we would be happy to entertain
10 those.

11 CHAIRMAN WOODARD: Okay, Ms. Chavis, Mr. Wood also
12 holds a crematory license.

13 MR. WOODRUFF: That would be taken as well.

14 CHAIRMAN WOODARD: And what about the people that
15 have pre-arrangements with Arkansas Funeral Care?

16 MR. WOODRUFF: It would be our hopes, sir, that we
17 would be able to, eventually in the future, to get
18 restarted, under another guise, obviously, and those
19 would be honored.

20 CHAIRMAN WOODARD: Will they be transferred over to
21 another funeral home, if a family desires?

22 MR. WOODRUFF: You could, certainly -- I'm sorry?

23 CHAIRMAN WOODARD: Will they be transferred to
24 another funeral home, if a family desires to go to
25 another funeral home, at this time?

1 RESPONDENT: Absolutely.

2 MR. WOODRUFF: Absolutely.

3 RESPONDENT: C3 is all they need.

4 CHAIRMAN WOODARD: Any questions from board
5 members?

6 VICE CHAIRMAN THURMAN: On the crematory license,
7 is there any fine or penalty against the crematory
8 itself?

9 MS. CHAVIS: I'm sorry. I wasn't aware that he had
10 a crematory license, so we did not discuss any penalty
11 with regard to that.

12 MS. GOODE: I apologize about that.

13 MS. CHAVIS: But, certainly, the Board can
14 entertain that, or Mr. Woodruff and I could try to
15 negotiate something, if that's the Board's desire. Or
16 the Board could impose a penalty on that.

17 MR. BURNS: I have a question. You said if we did
18 this, it would be his license and the funeral
19 establishment license would be surrendered.

20 MS. CHAVIS: That's correct.

21 MR. BURNS: But, I did hear that someone else, in
22 the future, can come back and open the place up.

23 MS. CHAVIS: That's correct. But, it would be
24 under -- it would be subject to that person being
25 approved for a new license. And Mr. Wood, will not be

1 an applicant in the future.

2 CHAIRMAN WOODARD: It's my understanding, if they
3 surrender their license, they're going to have to apply
4 for a new license if they come back.

5 MS. CHAVIS: That's correct. That's absolutely
6 correct.

7 MR. BURNS: But, in doing this, the other complaint
8 that's been filed would be voided?

9 MS. CHAVIS: No, sir. We are only here today,
10 based upon Ms. Stokes' annual investigation and then
11 those contemporaneous complaints that came in from Mr.
12 Jones and Mr. Ezell at the time she was already
13 conducting her investigation. Any other complaints
14 would be considered on their own merits in the future.
15 Mr. Wood has had no notice of any other complaints at
16 this juncture, so we couldn't address those today.

17 MR. BURNS: I believe it was stated -- Mr. Wood
18 stated in his -- when he introduced himself, he was the
19 owner and manager.

20 MS. CHAVIS: He's a part owner and he was the
21 manager.

22 MR. BURNS: I thought you had a manager.

23 RESPONDENT: No.

24 MS. GOODE: He's the manager.

25 MR. BURNS: So, all other licenses involved with

1 Arkansas Funeral Care will still stay as licensees that
2 are licensed under the State of Arkansas. If Arkansas
3 Funeral Care closes down, they're still going to keep
4 their license?

5 MS. CHAVIS: There are no other licenses attached
6 to Mr. Wood or to Arkansas Funeral Care, other than
7 those that are being surrendered today. Every license
8 that he, or the funeral home had, they're surrendered
9 voluntarily today, which effectively closes the doors.

10 CHAIRMAN WOODARD: Mr. Burns, you talking about
11 licensed funeral directors?

12 MR. BURNS: Funeral directors, yes.

13 CHAIRMAN WOODARD: If there are some licensed
14 funeral directors that are employed here, that's what
15 he's referring to -- that's employed by Arkansas Funeral
16 Care. They will hold their license, right? We have no
17 complaints against them.

18 MS. CHAVIS: That's correct.

19 MS. GOODE: And they're not responsible.

20 MS. CHAVIS: But, anyone who's an employee, who
21 holds a license, those licenses are not affected by this
22 action today. But, the establishment license is being
23 surrendered, so that person, really doesn't have a place
24 to work, legally for Arkansas Funeral Care, at this
25 juncture -- or following the surrender of the license.

1 VICE CHAIRMAN THURMAN: What about any kind of
2 insurance license the funeral establishment may hold for
3 pre-needs and things like that?

4 MS. CHAVIS: I think he said those would all be
5 transferred at the request of holders of those policies.

6 VICE CHAIRMAN THURMAN: Well, the license that you
7 would have to have to sell -- or, the individual
8 insurance license that you would have to sell pre-needs.

9 CHAIRMAN WOODARD: I think we have somebody hear
10 from the Insurance Department, right?

11 MR. ACRE: Yes, Robert Acre, I'm the manager of the
12 Prepaid Funeral Benefits Division. With the voluntary
13 surrender of his licenses, he will no longer be allowed
14 to hold the permit for prepaid funeral benefits. I have
15 an emergency order already on deck, pending the outcome
16 of this hearing, for us to take disposition of the
17 existing pre-need files, records and so forth, and act
18 as custodian in the interim.

19 Transfers will be allowed to substitute providers
20 and we will be on a case by case, basis. We're going to
21 perform a reconciliation of the full pre-need business.
22 And we've been handling these calls, since this came out
23 in the news. So, I need to get that introduced, as
24 well, as part of this.

25 CHAIRMAN WOODARD: Ms. Chavis, do you understand?

1 MS. CHAVIS: Yes. Thank you.

2 MR. BURNS: I have one question, Ms. Chavis. You
3 can paraphrase this in common terms. I think you have,
4 but if this proposal was accepted by the Board today,
5 would it be the -- if the Board -- let's take this
6 proposal you got, let's say the Board denied this
7 proposal, then we would proceed with a hearing that
8 we're having today?

9 MS. CHAVIS: That's correct, Mr. Burns.

10 MR. BURNS: And then would the outcome of that be
11 any different than what this proposal -- I'm trying to
12 figure out, if we went ahead and denied this proposal
13 and then had a hearing -- these are hypothetical
14 questions.

15 MS. CHAVIS: Everything is on the table. The
16 authority that's conferred upon you, as a member of this
17 board --

18 MR. BURNS: I guess what I'm saying -- what's he
19 doing voluntarily is something we as a board, could do
20 as a board?

21 MS. CHAVIS: Absolutely.

22 CHAIRMAN WOODARD: Any other questions?

23 MR. BURNS: That was \$5,000, \$2500 for him \$2500
24 for the --

25 CHAIRMAN WOODARD: No. It was \$3,000 him, \$2500

1 funeral home, but there hasn't been a charge for the
2 crematory. So, if y'all want to add a fine to the
3 crematory, that's negotiable.

4 MR. BRAZZEL: What would he be willing to accept?

5 CHAIRMAN WOODARD: Well, that would be on us?

6 MS. CHAVIS: Another thousand, for the crematory
7 license?

8 MR. BURNS: I think the crematory has been one of
9 the things that's been talked about as much. I think it
10 should be more than. I think it should at least be
11 \$2500.

12 MR. BRAZZEL: Two thousand.

13 CHAIRMAN WOODARD: I'm hearing \$2500, I'm hearing
14 \$2,000. Which is it going to be?

15 VICE CHAIRMAN THURMAN: I would go with \$2,000.

16 MS. ROBERTS: I would go with two as well.

17 CHAIRMAN WOODARD: I need a motion for the
18 crematory fine.

19 MS. ROBERTS: I move that the crematory fine will
20 be \$2,000.

21 MR. BRAZZEL: Second.

22 CHAIRMAN WOODARD: It's been moved and properly
23 seconded that the --

24 MR. BURNS: Hold on. We may have jumped the gun
25 there.

1 HEARING OFFICER: I guess, they hear what you're
2 saying and they've got a consent order. They can work
3 that into the consent order. Talk about -- you know,
4 they've heard the amount that y'all are thinking, talk
5 about that, and so I think that the way this ought to go
6 is: let them come back with something on the fine for
7 the crematory, present that to y'all. And then we'll go
8 off the record and y'all can deliberate about whether or
9 not you want to accept this consent proposal and then
10 make a decision on that. And, you know, if you agree to
11 it, then it's accepted and if not, we'll have a hearing.

12 MS. CHAVIS: Two thousand is agreeable with Mr.
13 Woodruff and Mr. Wood, if that's the pleasure of the
14 Board. We can tweak -- I'm going to have to tweak the
15 consent agreement to add the voluntary surrender of the
16 crematory license and make reference to the pre-
17 arrangement policies and I can easily add the \$2,000
18 fine for the crematory -- in conjunction with the
19 surrender of the crematory license, if that's the
20 pleasure of the Board.

21 HEARING OFFICER: So, at this point, they've
22 presented a consent agreement and y'all have some things
23 that you'd like to add to it. Maybe go off the record
24 and deliberate about what they have on paper here today
25 and then what y'all have talked about. Write down the

1 things that you'd like to see in that. Go off the
2 record and deliberate about it, and then come back and
3 decide whether you want to accept the consent agreement
4 or not. Anymore questions for the litigants here? Mr.
5 Burns, anymore questions?

6 MR. BURNS: No.

7 HEARING OFFICER: All right. Well, at this time,
8 we will go off the record for the Board to deliberate
9 about whether they want to accept this consent agreement
10 or not.

11 (OFF THE RECORD AT 1:25 P.M.)

12 (ON THE RECORD AT 1:27 P.M.)

13 HEARING OFFICER: Okay. So, we are back on the
14 record for public comment.

15 PUBLIC SPEAKER NO. 1: I buried my son, in November
16 -- on November 20, 2013. We, at this time, are not
17 confident that we have the right remains in his urn. We
18 don't even know if it belongs to him after all the
19 things we have seen and heard on the news. And I've
20 wrestled with this. I knew there was something wrong,
21 shortly after we had the service at the church. I knew
22 that something wasn't right. My son's body had
23 deteriorated and it was horrible. I've wrestled with
24 this for two months now, and I just need to know. I
25 need to know if there's some way we can find that out.

1 MS. CHAVIS: Ma'am. What was your name?

2 PUBLIC SPEAKER NO. 1: Patricia Parchment.

3 CHAIRMAN WOODARD: Your loved one was cremated?

4 PUBLIC SPEAKER NO. 1: He was cremated. We were
5 supposed to have had a nice open-casket funeral. It
6 turned out to be a total disaster. He was horrible.
7 The side of his body, when we finally got to see him --
8 my husband and I went to the funeral home and viewed
9 him. There was nothing wrong. Everything looked fine.
10 By the time he got to the church, they had done
11 something, pulled off -- his sides were all sunk in and
12 his nose was black. I just need to know for myself.
13 That's all I ask. I don't know if there's a way to do
14 DNA on ashes. If we even have the correct ashes, I
15 don't know.

16 VICE CHAIRMAN THURMAN: I did check on that and, as
17 of right now, there is no way to check DNA on remains,
18 that I know of. I looked into it and there is nothing
19 at this time.

20 PUBLIC SPEAKER NO. 1: Well, I think there needs to
21 be more punishment for him, that he's done this to
22 people.

23 PUBLIC SPEAKER NO. 2: And I'm her husband and I
24 agree with the punishment issue. I understand that the
25 Board, nor anyone else, can resolve the feelings,

1 personal feelings, that we have. It's just time takes
2 care of that. But, we're talking about \$5,000 here,
3 \$6,000 for such an act -- such a burden and hardship,
4 heartache on somebody.

5 And, Mr. Wood, you being the owner, where's the
6 supervision, where's the -- what's going on? You know,
7 can you answer that to all these families that have got
8 these feelings and these heartaches. And even an
9 apology is not going to take care of that. And this is
10 life long and everlasting.

11 But, anyway, we appreciate the Board, we
12 appreciate what you've done. We appreciate what you're
13 doing and we would like to see a much stiffer penalty,
14 placed on the individuals. And I know there's another
15 court that can take care of this, but if the Board,
16 itself, would place a stiff enough penalty on such
17 actions that they would look twice before they would
18 welcome an inspector into the facility. And it's a
19 shame that it has got this far, when there's inspectors
20 in place to catch this stuff. I thank you for your time
21 and I thank you for letting us speak.

22 CHAIRMAN WOODARD: There was someone over in the
23 corner?

24 PUBLIC SPEAKER NO. 3: I second the motion. The
25 money they took from me and my family will cover these

1 fines. This man here was at the funeral -- they grabbed
2 my mother and didn't allow us as pall bearers. She
3 didn't even look like herself. They threw my family
4 heirlooms out across the Rest Hills Cemetery as the
5 hearse pulled off. All my baby pictures, they through
6 out the -- I've got witnesses from Rest Hill Funeral
7 Home, they witnessed them throw them out of the hearse,
8 as they pulled off from my mother's funeral. And you
9 can't tell me that ain't a criminal act; I don't know
10 what is. That little \$5400 fine, I covered that off of
11 what we paid to bury my Mama. And I didn't even get a
12 burial, Rest Hills had to take possession of the body.
13 She wasn't even recognizable. We emailed all the
14 information to the board.

15 MS. GOODE: What was your name?

16 PUBLIC SPEAKER NO. 3: I'm Jason Ray. My mother
17 was Sherry Ray. You got pictures on record for what he
18 done to my mother, a very beautiful woman.

19 PUBLIC SPEAKER NO. 4: I have known LeRoy Wood for
20 years and I've been to a lot of funerals that he has
21 made. And they were all good. I don't know what's
22 happened in all of this, but he has been a good man and
23 has helped a lot of people and I know a lot of people
24 has gotten hurt through this. But, he's a great guy.

25 PUBLIC SPEAKER NO. 3: Well, his last words to me,

1 ma'am, when I addressed him was that I didn't keep my
2 end of the bargain. I paid him every penny he wanted,
3 every penny. And he didn't even give me a chance to
4 carry my own mother to the -- they dropped the coffin
5 and left. This man, right here, witnessed it. The
6 Channel 7 news was there. They took my mother's body
7 and left us standing at the church.

8 CHAIRMAN WOODARD: We're not here to argue, sir. I
9 will allow public comment, but we're not going to allow
10 this.

11 PUBLIC SPEAKER NO. 3: I understand, sir. I'm
12 sorry.

13 PUBLIC SPEAKER NO. 5: My mom's name was Pam Hill.
14 And they lost her death certificate. They had bodies
15 stacked on top of her bodies. And she's now at the
16 Pulaski County Morgue and I have to pay to get her
17 cremated again and I done paid this man.

18 PUBLIC SPEAKER NO. 6: She's a little upset. My
19 name is Jennifer Hill and my mother is Pamela Hill.
20 This has been, obviously, traumatizing from the
21 beginning, losing your loved one. The day that you guys
22 shut them down, Matthew, whoever he is, from their
23 office called and was very persistent about getting
24 their funds. And told us we couldn't get her cremated,
25 they weren't going to deal with the death certificate,

1 very rude, not what this woman is saying, right there.
2 That is not what we dealt with, at all. I want you to
3 know. So, we paid them, and then hours later, you shut
4 them down. We have no idea what's going on.

5 My husband turns on the TV and what does he see?
6 Cell phone footage of the inside of his funeral home. I
7 want you to know that he hasn't slept in four days. He
8 can't eat. He has done nothing but cry. And then
9 putting that on TV, nobody knows -- you know, in your
10 mind, you're thinking is that my loved one, you know.
11 What's going on? And with everything that's leaking out
12 -- I agree with them, \$5,000 is nothing. I'll give you
13 \$5,000 to make their -- you know what I'm saying?
14 That's ridiculous.

15 We just paid them and now we have to pay somebody
16 else. We just got in contact with Ashby and we have to
17 leave here and go give them \$900 to do what they were
18 supposed to do, when we just paid them \$700, two days
19 ago.

20 CHAIRMAN WOODARD: Well, I think in the agreement,
21 they agreed to refund your money.

22 PUBLIC SPEAKER NO. 6: So, is that going to --

23 CHAIRMAN WOODARD: Well, nothing can be done to --

24 PUBLIC SPEAKER NO. 6: I understand that, but right
25 now, I have to shell out more money to -- you know what

1 I'm saying. We're young, we don't have thousands of
2 dollars. So, -- thank you.

3 CHAIRMAN WOODARD: I think this is the last one,
4 right here.

5 MS. GOODE: State your name.

6 PUBLIC SPEAKER NO. 7: Kyle Dakota.

7 PUBLIC SPEAKER NO. 7: I'd like to state that, you
8 know, they took care of my wife. I was not happy with
9 it and nothing could be done about it. Nothing that
10 happens here today is going to bring her back. But, the
11 penalty you've imposed on him, are nothing compared to
12 my feelings for my wife. She was 52 years old when she
13 passed away. I'm a disabled vet and I'd had to think
14 that he did this to any other vets in this country, who
15 have given their life for this country and for him. May
16 God have mercy on you.

17 PUBLIC SPEAKER NO. 8: My name is Shannon
18 Kitchenson. My brother in law was buried two days
19 before all of this begin, so our issues happened prior
20 to us knowing the magnitude of it. Mr. Wood was
21 gracious to meet with me. We showed up to visitation,
22 actually showed up early to visitation -- I did, because
23 my brother in law has a special needs son, who is 16,
24 only child and my sister is not in good health at all.
25 And I wanted to go early to make sure that things were

1 as good as they could be for my sister and her son. And
2 when I got there, I was not able to view the body. I
3 did eventually get to view the body before I left about
4 an hour later. He was on a gurney. They had dressed
5 him. They had told me he wasn't dressed when I got
6 there.

7 I was able to view him, but he was not prepared
8 yet. And I was concerned, because during that meeting,
9 he was just not hardened. I could lift his arms up as I
10 tried to put his wedding ring on. I could lift his arm
11 above his head. He was very soft, just dead weight to
12 touch. He was darkened around the nose, which my
13 understanding is it could have happened, just because of
14 time. They were not able to do our funeral until the
15 Wednesday -- he died on a Thursday morning, the funeral
16 did not happen until the Wednesday of the next week,
17 because they said they were so busy.

18 We did pay for the service. My sister had to sell
19 things in order to be able to cover the funeral; they do
20 not have much money. Her husband was the only income
21 they had, which they do not have now with his
22 disability. We came back for visitation at 4:00, as we
23 were told -- I'm sorry, at 5:00 and he was still not
24 ready. We had to sit with the family for about 40
25 minutes, until we could go into the sanctuary. When I

1 went into the sanctuary, my sister, of course, and her
2 son went directly to the head of the casket. I was just
3 trying to take everything in to make sure that everybody
4 was okay. That's kind of my job throughout this.

5 There was a tag hanging off the outside of the
6 casket with the deceased name on it, and it resembled
7 the one that comes from the hospital. I do not know if
8 it comes from the hospital, but I work in the hospital
9 field. So, it looks like the ones I see. We made it
10 through the visitation. Half way through, my brother in
11 law's ear was seeping all out into the casket. So, we
12 had to draw attention to that. Mr. Snow came and he
13 dabbed it with a piece of kleenex and there wasn't a lot
14 --

15 CHAIRMAN WOODARD: Ma'am. I hate to cut you off.
16 But, I said two minutes.

17 PUBLIC SPEAKER NO. 8: I'll round it up, sir. But,
18 there was bodily fluid --

19 CHAIRMAN WOODARD: Well, you've gone over two
20 minutes, now.

21 PUBLIC SPEAKER NO. 8: I have photos of bodily
22 fluid all on the back of the casket. So, it was not a
23 good experience. They did refund part of my sister's
24 money and I was very much appreciative of that. But,
25 after hearing all of this, I'm mildly disturbed.

1 PUBLIC SPEAKER NO. 1: They did the same with my
2 son. I cried. I thought my son was good, too, but
3 there was bodily fluids leaking out at the church.

4 HEARING OFFICER: Any other public comment.

5 MR. WOODRUFF: If I may?

6 HEARING OFFICER: Go ahead.

7 MR. WOODRUFF: I would like to assert here, that we
8 are only here today on the complaints that have been
9 outlined from what we're dealing with. And I realize
10 that there are others who have issues or may have
11 grievances and that sort of thing, but that's not --
12 we're not here today on those matters.

13 HEARING OFFICER: All right. Is the Board ready to
14 close public comment.

15 CHAIRMAN WOODARD: Looks like we have one more,
16 back in the corner.

17 PUBLIC SPEAKER NO. 9: Yes, sir. My name is
18 Victoria Ray, we had my mother there two months prior to
19 my husband's mother. The funeral itself, I'm not
20 complaining for. What I'm complaining for is, upon
21 going to an appointment to view my mother and to fix my
22 mother's hair -- my mother's was a beautician, where I'm
23 a barber. I was brought the wrong body, where Mr. Snow
24 insisted it's my mother. I argued him up and down. He
25 threw the sheets back, looked at the tag, dropped my

1 mom's clothes on the floor. My husband picked up the
2 clothes, said "How disrespectful." Only to return that
3 they had never even went to St. Vincents and got my
4 mother. They embalmed by mother one day prior to her
5 funeral. And they brought me the wrong body.

6 CHAIRMAN WOODARD: Thank you, ma'am.

7 HEARING OFFICER: Any other public comment, at this
8 time? All right. Seeing none, Board, would you like to
9 deliberate whether to accept this consent order. We can
10 go off the record and do that, now.

11 (OFF THE RECORD AT 1:39 P.M.)

12 (ON THE RECORD 1:45 P.M.)

13 HEARING OFFICER: During their deliberations, the
14 Board has decided they have more questions. We're going
15 to go back on the record, so we can address those
16 questions on the record with counsel.

17 MR. BURNS: It shows on page four in the Order, it
18 says "This Order concludes the investigation of the
19 Complaints filed by Michael Jones and Darriel Ezell."

20 MS. CHAVIS: Yes, sir.

21 MR. BURNS: All right. In those complaints, I
22 understand there is other folks involved. If we were to
23 take this proposition today -- this agreement, would
24 that null and void those other complaints? They would
25 not come up?

1 MS. CHAVIS: No, sir. Any other complaints that
2 are pending, or that are received after this hearing,
3 they will be considered on their won merits. These were
4 two complaints that came in at the same time that Ms.
5 Stokes was doing her inspections and they -- what she
6 investigated covered what was in those complaints.

7 MS. GOODE: I think what Mr. Burns is referring to
8 is Mr. Snow, who is also named in the Jones Complaint.
9 Is that what you're referring to?

10 MR. BURNS: Yes. Will we have a hearing on his?

11 MS. GOODE: Well, you got two different cases, 15-1
12 is Mike Jones against LeRoy Wood and Arkansas Funeral
13 Care and 15-2 is against Ed Snow and Arkansas Funeral
14 Care.

15 MS. CHAVIS: We could bifurcate the complaint and
16 to the extent that it refers to Mr. Snow, that could be
17 a separate investigation. We could just state that this
18 Order concludes the investigations of the complaints
19 filed by Michael Jones and Darriel Ezell, concerning
20 Arkansas Funeral Care and Mr. Wood and we could
21 bifurcate the complaint, to where anything concerning
22 Mr. Snow is investigated separately.

23 MR. BURNS: So, he would be --

24 CHAIRMAN WOODARD: It would be a different deal.

25 MR. BURNS: Okay. I would want that, somehow, in

1 there, because I definitely think this ropes a lot
2 longer than it's looking.

3 MS. CHAVIS: We can do that.

4 HEARING OFFICER: So, what I would suggest, if the
5 Board is thinking about -- you know, if y'all do decide
6 that y'all want to accept this, y'all obviously got some
7 exceptions to what's on paper today. Look at that,
8 write down those exceptions and if you only have a
9 motion to accept it, say, you know come back on and say,
10 "We'll accept it with the addition of these provisions."
11 You know, when y'all make y'all's motion, if you do make
12 a motion like that, make it with an eye towards the
13 exception that y'all want to put in there.

14 CHAIRMAN WOODARD: Is that the only exception?

15 MR. BURNS: No, I think the penalty is not enough.
16 I think that --

17 HEARING OFFICER: Well, at this point, let's -- are
18 there any more questions for counsel at this point?

19 MR. BURNS: No more questions for counsel.

20 HEARING OFFICER: Okay. We'll go off the record
21 and allow the board to deliberate some more. We're off
22 the record.

23 (OFF THE RECORD AT 1:48 P.M.)

24 (ON THE RECORD AT 1:51 P.M.)

25 HEARING OFFICER: We'll go back on the record at

1 this time, for the Board to propose additions to the
2 consent order to counsel. We're back on the record.

3 CHAIRMAN WOODARD: Ms. Chavis?

4 MS. CHAVIS: Yes, sir.

5 CHAIRMAN WOODARD: The Board has deliberated and as
6 far as the penalty, they are not satisfied with the
7 penalty. They would like for it to be \$5,000 on her
8 personal, \$2500 on the crematory, \$2500 on the
9 establishment license.

10 MR. BRAZZEL: That's a total of \$10,000.

11 MR. WOODARD. Total of \$10,000.

12 MR. WOODRUFF: We would be in agreeance with that.

13 HEARING OFFICER: In light of that, do y'all want
14 to go off the record and deliberate some more, or do
15 y'all want -- somebody has a motion?

16 CHAIRMAN WOODARD: We'll deliberate some more.

17 HEARING OFFICER: At this time, with that question
18 posed and agreed to by counsel, we'll go off the record
19 and let the board deliberate some more.

20 (OFF THE RECORD 1:52 P.M.)

21 (ON THE RECORD 1:54 P.M.)

22 HEARING OFFICER: We are back on the record in the
23 matter of case number 15-4, Leslie Stokes, Board
24 Inspector versus Arkansas Funeral Care, LeRoy Wood,
25 Manager. Back on the record in that case. Mr.

1 Chairman, I'm going to turn it over to you. I believe
2 you have a motion.

3 CHAIRMAN WOODARD: Entertain a motion.

4 MR. BRAZZEL: I make a motion to accept the plea
5 agreement at \$10,000, with the exception of Mr. Snow
6 being excluded to bifurcation we talked about. And all
7 other exceptions that we have mentioned today.

8 MS. ROBERTS: Second.

9 CHAIRMAN WOODARD: It's been moved and properly
10 seconded that the consent agreement that was offered to
11 the Board by Mr. Wood and his attorney --

12 HEARING OFFICER: Does counsel understand that? Do
13 you agree to that?

14 MS. CHAVIS: Yes.

15 MR. WOODRUFF: Yes.

16 CHAIRMAN WOODARD: -- be accepted with exception of
17 number eight being bifurcated to exclude -- anything
18 pertaining to Mr. Snow will be heard differently. All
19 in favor, let it be known by saying, "I".

20 THE BOARD (IN UNISON): I

21 CHAIRMAN WOODARD: All opposed. The I's have it.
22 So carried.

23 HEARING OFFICER: Okay. Let the record reflect the
24 decision is unanimous. It will be reduced to writing
25 and service will be made upon all parties. If there

1 even is an appeal from this, the respondent can find it
2 under the administrative procedures act, Arkansas Code
3 Annotated § 25-15-201. If there are no other questions
4 or comments, this hearing will be concluded and the
5 record will be closed. Seeing none. The record is
6 closed.

7 (WHEREUPON, the proceedings were concluded
8 in this matter at 1:55 p.m.)
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CERTIFICATE

STATE OF ARKANSAS)
) ss
 COUNTY OF PULASKI)

I, Tiffanie N. Harrison, CCR, Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that the testimony of said witness was taken by me and was thereafter reduced to typewritten form under my supervision; that the deposition is a true and correct record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of this action.

I FURTHER CERTIFY, that I have no contract with the parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 5th day of February, 2015.

 TIFFANIE N. HARRISON
 Arkansas State Supreme Court
 Certified Court Reporter #757