



Michael Preston
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

October 5, 2020

Mr. Darrell Anthony
726 Oaklawn
Marion, AR 72364

Re: Case No. 20-13 In the Matter of Darrell Anthony, a licensed Funeral Director, Board ID #22663

Dear Mr. Anthony:

LETTER OF REPRIMAND

In accordance with the laws governing funeral directors, Ark. Code Ann. § 17-29-301 *et seq.*, the Board has determined that a Letter of Reprimand, is the appropriate resolution for the above referenced matter. Pursuant to Ark. Code Ann. § 17-29-311(a)(11) and (17), the Board may issue a letter of reprimand for engaging in misrepresentation in renewing a license, and for failure to meet continuing education requirements.

As you know, you only completed four hours of continuing education during the calendar year 2019. You then attempted to mislead Board staff as to the purported completion of the other two required hours. However, those additional two hours were not completed until April 6, 2020, thereby also violating Board Rule IX.1.(d).

The Board holds funeral directors to a high degree of accountability, which includes truthfulness. This Letter of Reprimand is in addition to those agreed upon sanctions in the enclosed Consent Agreement.

Sincerely,

Amanda Gibson
Associate Counsel
Arkansas Insurance Department

Counsel for the Board of Embalmers,
Funeral Directors, Cemeteries, and Burial Services

Enc.

**BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,
CEMETERIES AND BURIAL SERVICES**

**In the Matter of
Darrell Anthony, a licensed Funeral Director
Board ID #22663, Respondent**

Case No. 20-13

CONSENT AGREEMENT

The matter of Darrell Anthony came before the Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services ("Board") on September 15, 2020. The Board is represented by Amanda Gibson, Associate Counsel. Respondent voluntarily waived his right to a hearing and he consents to the entry of this Consent Agreement. The Board hereby finds and orders, by agreement between the Respondent and the Board, as follows:

GENERAL STIPULATIONS

1. Respondent, having read the proposed Consent Agreement, acknowledges his right to consult with counsel, and enters into this Consent Agreement on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than expressly set forth herein.
2. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Agreement.
3. Respondent executes this Consent Agreement to resolve the pending matter, without further administrative action. Respondent agrees that the Board will review and determine whether to approve this Consent Agreement. Furthermore, Respondents agree that should this

Consent Agreement not be approved by the Board, the presentation and consideration of this Consent Agreement by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of the matters involved herein at any subsequent hearing.

4. Respondent understands and agrees that the approval and entry of this Consent Agreement shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.

5. Respondent understands and acknowledges that this Consent Agreement and the Board's records concerning this matter are public records and are available to the public pursuant to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 *et seq.*

6. This Consent Agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Chair of the Board or his designee.

FINDINGS OF FACT

1. Respondent is currently licensed as a funeral director.

2. Respondent renewed his license on February 27, 2020, and at that time he paid the required late fees.

3. Respondent completed four of the required six hours of continuing education before December 31, 2019.

4. Respondent's late renewal included documentation that he completed an additional two hours of continuing education on February 27, 2020.

5. Upon investigation, however, Board staff learned from the course provider that Respondent did not complete that two-hour course.

6. When questioned by Board staff, Respondent then submitted a certificate of completion for a different two-hour course that he completed on April 6, 2020.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 17-29-311(a) allows the Board to “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 of commission or omission, including the following...(11) Fraud or misrepresentation in obtaining or renewing a license...(17) Failure to meet continuing education requirements.”

2. The Board, pursuant to Ark. Code Ann. § 23-61-1103(a), may, “...(6) suspend or revoke permits or licenses when a licensee fails to comply with any of the laws governing the licensee or when a licensee fails to comply with a rule or order of the board”.

3. Board Rule IX.1.(d) provides that “every licensed embalmer and/or funeral director who is actively engaged in the practice of embalming and/or funeral directing in Arkansas shall report 6 hours of approved continuing education on the renewal form.”

4. Respondents’ actions, as set forth in Findings of Fact 4 through 6, in failing to complete the required six hours, violate Ark. Code Ann. § 17-29-311(a)(17) and Board Rule IX.1.(d).

5. Respondents’ actions, as set forth in Findings of Fact 4 and 5, in being untruthful on the renewal, about the hours completed, allow the Board to take action against Respondent’s license, pursuant to Ark. Code Ann. § 17-29-311(a)(11).

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver of the Respondent of his right to a hearing and appeal under the Arkansas Administrative Procedure Act, Ark. Code

Ann. §§ 25-15-201 *et. seq.*, the Board finds that the Respondent has consented to entry of this Agreement and Order, and that the following Order is appropriate and in the public interest.

IT IS HEREBY ORDERED:

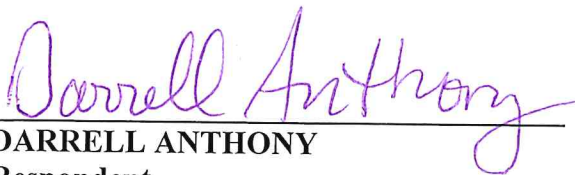
1. That Respondent be issued a letter of reprimand.
2. That Respondent complete eight hours of continuing education by December 31, 2020. Respondent shall complete the required six hours, plus an additional two hours in the subject of ethics, for a total of eight hours. The two hours Respondent completed on April 6, 2020 do not accrue toward the eight hours required in this Order by December 31, 2020.
3. That Respondent's license be on probation until his license is renewed for the 2021 calendar year.

IT IS SO ORDERED, DIRECTED AND AGREED TO AS OF THE 15th DAY OF SEPTEMBER, 2020.



BILL BOOKER

**CHAIR, STATE BOARD OF
EMBALMERS, FUNERAL
DIRECTORS, CEMETERIES AND
BURIAL SERVICES**


DARRELL ANTHONY
Respondent