

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

IN THE MATTER OF

**Davis-Strickland Funeral Home, Board ID #20397,
Shannon Strickland, Board ID #21100,
Matthew Strickland, Board ID #21027,
Strickland Memorial Lawn, and
Church Burial Association, Respondents**

**Case Nos. 18-11
 19-08
 20-20**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (the “Board”) on January 19, 2021, in the Diamond Mine Room on the 2nd Floor of the Department of Commerce building, located at 1 Commerce Way, Little Rock, AR 72202. Respondents Shannon Strickland and Matthew Strickland appeared, on behalf of themselves, the funeral home, the burial association, and the cemetery. Amanda Gibson, Associate Counsel at the Arkansas Insurance Department, appeared on behalf of the Board. Finding proper notice was given to the Respondent, the Board, from all the evidence presented, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

I. Funeral Establishment

1. Respondents entered into a Consent Agreement with the Board on May 16, 2019 in which they were ordered to replace Matthew Strickland as manager with Shannon Strickland, and pay a monetary penalty within 60 days.

2. The Consent Agreement also placed the establishment license of Davis-Strickland Funeral Home on probation for a term of one year.
3. The amount of the monetary penalty is \$1,000, and it has not been paid. However, Shannon Strickland testified that he had a money order for \$1000, but it was not tendered at the hearing.
4. As required by the Consent Agreement, the required forms removing Matthew Strickland as manager and designating Shannon Strickland as manager were not submitted to the Board.
5. On March 6, 2019, a complaint was filed against the establishment. The complainant is Margaret Johnson. The establishment held the viewing on January 18, 2019, and the funeral on January 19, 2019.
6. The family opted for a burial, and at the time of the services, the ground was too wet for the burial.
7. Subsequently, the family called the establishment to schedule a date and time for the burial, and Respondents Matthew Strickland and Shannon Strickland stated they would call the family to let them know the date and time.
8. However, the family received no phone call from the establishment.
9. On January 28, 2019, the complainant's mother, Ardell Whitten, and the complainant's sister, Tanza Nelson, went to the establishment to request a refund for merchandise and services that were paid for but not used.
10. Matthew Strickland refused to refund the family at that time.
11. During the same meeting, Ms. Johnson asked Respondent Matthew Strickland about scheduling the burial.
12. Mrs. Strickland replied that the burial occurred the day before, on January 27, 2019.
13. There was a second meeting that occurred on January 29, 2019.

14. At that meeting, upon questioning by the family, the Respondents stated that they found out about the burial the day after the burial occurred.

15. At the second meeting, the Respondents stated that the caretaker of the cemetery, Thomas Swift, has keys to the funeral home, and that the caretaker buried the decedent on January 27, 2019 in the presence of a licensed funeral director, Harold Freeman.

16. Also, at the second meeting, Respondents agreed to refund the money for the unused merchandise and services, but they stated that they could not issue the refund until the insurance money was received.

17. A third meeting occurred on February 1, 2019. At that meeting, Shannon Strickland agreed to refund the amounts of \$695 for the cemetery set up and \$350 for the outer enclosure.

18. Shannon Strickland further stated that they would have to wait until the insurance money arrived before the establishment could issue the refund.

19. The complainant, Ms. Johnson, told Shannon Strickland that she knew the insurance company had already paid the funeral home because she spoke with the insurance company the day before.

20. Upon information and belief, Shannon Strickland agreed to issue the refund on February 7, 2019 and to draft an apology letter to each family member.

21. On February 7, 2019, the complainant's mother, Ardell Whitten called to inquire about the refund after not hearing from the funeral home. Shannon Strickland informed Ms. Whitten that the refund would be ready on February 8, 2019.

22. On February 8, 2019, the refund was issued but Shannon Strickland failed to issue the apology letters.

23. On May 29, 2019, Ardell Whitten filed a complaint.

24. The substance of that complaint was that the decedent was buried without the knowledge of the family, and that the apology letters were never written.
25. The complaint of Ms. Johnson was received by Respondents on March 14, 2019.
26. Respondent Shannon Strickland's response stated that the funeral home and the family agreed that the funeral home would determine when to bury the remains because the family did not want to attend the burial due to the body having been committed at the church.
27. The response was received untimely, on April 8, 2019, and it was not notarized.
28. On July 23, 2020, the Board's Inspector inspected the establishment.
29. That inspection found the establishment to be in a substandard state, including a large hole in the lobby ceiling, spider webs and rat poison containers in the selection room, mildew or mold around the air conditioner vents, and general uncleanliness.
30. The inspection also revealed the lack of caskets in the selection room, and the lack of price cards.
31. Lastly, the inspection also revealed that the establishment's general price list ("GPL") is not in compliance with the FTC. The GPL lists "labor" and "services of funeral director and staff", which lack specificity as to what is included in the price of these listed services.

II. Perpetual Care Cemetery

32. Respondents Matthew and Shannon Strickland operate a perpetual care cemetery, Strickland Memorial Lawn.
33. The Cemetery failed to file the cemetery and trustee reports for the 2019 year, and as the prior owner has passed away, the cemetery has failed to file for a transfer of ownership.

34. Despite being served with a subpoena two times in 2020, the Respondents have failed to appear before the board to explain why the reports and the transfer of ownership have not been filed.

III. Burial Association

35. Respondents Matthew Strickland and Shannon Strickland operate Church Burial Association.

36. A Board audit of the Association revealed the following:

- (a) Incomplete reports;
- (b) Reports submitted untimely;
- (c) Untimely deposits of membership dues and fees (weeks or months after collection);
- (d) Allowing approximately nine (9) individuals who are not agents of the association to collect membership dues and fees;
- (e) Allowing the unlicensed agents to deduct their 20%-30% collector's fee from the membership dues prior to remitting the dues with the Secretary/Treasurer;
- (f) Failure to maintain copies of membership applications on file;
- (g) Failure to have a fidelity bond in place. The copy of the most recent bond on file with the Board is dated 2013; and
- (h) Depositing membership dues into incorrect accounts, causing the new business account to be under-funded and the old business account to be over-funded.

CONCLUSIONS OF LAW

1. Respondent's actions, as set forth in Findings of Fact 3 and 4, above, constitute violations of Ark. Code Ann. §23-61-1103(a)(6).

2. Respondent's actions as set forth in Findings of Fact 3 and 4, above, insofar as they constitute violations of Ark. Code Ann. § 23-61-1103(a)(6) triggers Ark. Code Ann. § 17-29-307(a) such that the funeral director licenses of Matthew Strickland and Shannon Strickland, should be suspended.
3. Respondents' actions, as set forth in Findings of Fact 12, 14 and 15, above, do not constitute a violation of Board Rule II. 1. because there was a licensed funeral director present at the burial.
4. Respondent Shannon Strickland's actions, as set forth in Finding of Fact 18 above, constitute a violation of Ark. Code Ann. § 17-29-311(a)(2) in that he was untruthful about not being able to issue the refund because he stated the insurance funds had not yet been received.
5. Respondents' actions, as set forth in Findings of Fact 12, 14 and 15 above, in that the family was not present at the burial as they desired, constitute a violation of Board Rule XIV.3.
6. Respondents' actions, as set forth in Finding of Fact 27 above, in that the response to the complaint was received untimely and was not notarized, constitute a violation of Board Rule XV.4, Board Rule XV.5, and Ark. Code Ann. § 17-29-311(a)(18).
7. Respondents' actions, as set forth in Finding of Fact 29 above, constitute a violation of Ark. Code Ann. § 17-29-304(a)(3)(D) in that the hole in the ceiling is insufficient to ensure the interior is protected from exposure to outside elements.
8. Respondents' actions, as set forth in Finding of Fact 29 above, constitute a violation of Ark. Code Ann. § 17-29-304(g)(4) in that the presence of mold or mildew, spiderwebs, rat poison, and general uncleanliness is insufficient to ensure that the establishment does not present a potential or actual hazard to the health, safety or welfare of the public.

9. Respondents' actions, as set forth in Finding of Fact 30 above, constitute a violation of Ark. Code Ann. § 17-29-304(g)(2) and Board Rule IV.2.(a)(4) in that there were no caskets in the selection room.
10. Respondents' actions, as set forth in Finding of Fact 30 above, constitute a violation of Board Rule XII.1 in that there were no price cards.
11. Respondents' actions, as set forth in Finding of Fact 31 above, constitute a violation of Board Rule XII.4 in that the General Price List is not compliant with the Federal Trade Commission requirements.
12. Respondents' actions, as set forth in Finding of Fact 33 above, constitute a violation of Ark. Code Ann. § 20-17-1023(a) in that they failed to file the cemetery report.
13. Respondents' actions, as set forth in Finding of Fact 33 above, constitute a violation of Ark. Code Ann. § 20-17-1015(a) in that they failed to file the trustee report.
14. Respondents' actions, as set forth in Finding of Fact 33 above, constitute a violation of Ark. Code Ann. § 20-17-1012 in that they failed to apply for a transfer of ownership.
15. Respondents' actions, as set forth in Finding of Fact 36(a) above, constitute a violation of Ark. Code Ann. § 23-78-120 in that the semiannual reports were inaccurate and incomplete.
16. Respondents' actions, as set forth in Finding of Fact 36(a) and (b) above, constitute a violation of Ark. Code Ann. § 23-78-120 in that the semiannual reports were not corrected and re-submitted.
17. Respondents' actions, as set forth in Finding of Fact 36(a) above, constitute a violation of Rule 10(b) requiring the semiannual reports to be accompanied by the fee of \$0.25 per member.
18. Respondents' actions, as set forth in Finding of Fact 36(c) above, constitute a violation of Rule 26(a) requiring membership dues to be deposited within five (5) business days.

19. Respondents' actions, as set forth in Finding of Fact 36(d) above, constitute a violation of Ark. Code Ann. § 23-78-113 in that the individuals collecting membership dues are not licensed agents of the association.

20. Respondents' actions, as set forth in Finding of Fact 36(e) above, constitute a violation of Rule 26(d) in that, in some instances, they allowed the collectors to skim their collector's fee from the membership dues collected, prior to remitting the dues to the Secretary/Treasurer.

21. Respondents' actions, as set forth in Finding of Fact 36(f) above, constitute a violation of Rule 16 in that they failed to maintain on file, membership applications.

22. Respondents' actions, as set forth in Finding of Fact 36(g) above, constitute a violation of Rule 7 in that they do not have a fidelity bond in place.

23. Respondents' actions, as set forth in Finding of Fact 36(h) above, constitute a violation of Rule 9 wherein depositing membership dues in the wrong accounts causes the condition of the association to be reflected inaccurately.

ORDER

Based upon the testimony and evidence presented at the hearing, the Board hereby orders the following:

1. The funeral director license of Shannon Strickland is suspended for ninety (90) calendar days.

2. The funeral director license of Matthew Strickland is suspended for ninety (90) calendar days.


3. That Davis-Strickland will hire an Arkansas licensed manager and, if needed, an additional Arkansas licensed funeral director, during the ninety (90) day suspension period. Davis-Strickland will also submit the appropriate form(s) to the Board, designating a manager.

3. All reports that are past due, shall be filed within ninety (90) calendar days.
4. Within ninety (90) calendar days, Church Burial Association will work to cure the deficiencies, including the accounting problems with the new business and old business, the establishment of an accurate membership roster, and proof of a current fidelity bond.
5. Within sixty (60) calendar days, Strickland Memorial Lawn will make an additional contribution to the permanent maintenance fund in the amount of \$3,090. Proof of the additional contribution shall be submitted to the Board within five (5) business days of the contribution.
6. Within sixty (60) calendar days, Strickland Memorial Lawn will submit to the Board, proof that probate proceedings in the matter of Warren Strickland have commenced in the proper jurisdiction.

IT IS SO ORDERED THIS 19th DAY OF JANUARY, 2021.

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

By:



Amanda Gibson
Counsel for the Board