

**BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT
AGAINST:**

FLETCHER-ELGIN FUNERAL HOMES LLC

A Licensed Funeral Establishment,
Establishment License # 1620ES
410 W. Cole Ave
Fletcher, OK 73541

owned by:

FLETCHER-ELGIN FUNERAL HOMES LLC

410 W. Cole St
Fletcher, OK 73541

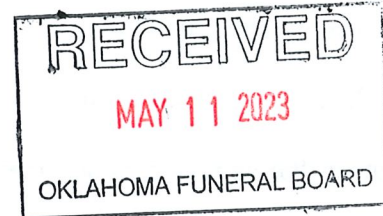
AMBER HENDRIX

Licenses: 3228FD and 3601EM,
Address: 410 W. Cole St
Fletcher, OK 73541

A Licensed Funeral Director and Embalmer
and the Funeral Director in Charge at

FLETCHER-ELGIN FUNERAL HOMES LLC,

Respondents.



Complaint No. 23-38

CONSENT ORDER

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board (“Board”), and Respondents, FLETCHER-ELGIN FUNERAL HOMES, FLETCHER-ELGIN FUNERAL HOMES LLC, and AMBER HENDRIX, hereby enter into this Consent Order (“Agreement”) pursuant to the Board’s rules, Oklahoma Administrative Code (“O.A.C.”) Section 235:10-1-1 *et seq.* (the “Rules”); the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the “Act”); and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.* (the “OAPA”). As a prerequisite to entering

into this Agreement, Respondents acknowledge and affirm the following:

ACKNOWLEDGEMENT AND AFFIRMATION

1. Respondents are of sound mind and are not under the influence of, nor impaired by, any medication, drug, or alcohol.

2. Respondents were informed of their right to independently retain legal counsel to represent them in the above-captioned matter. Respondents had the opportunity to obtain such counsel. Respondents have not received or relied on legal advice from the Board, a representative of the Board, or legal counsel from the Oklahoma Attorney General's Office.

3. Respondents recognize their right to appear in an evidentiary hearing before the Board regarding the allegations made against them. Respondents voluntarily waive their right to a hearing and hereby submit to the Board's jurisdiction and authority under 59 O.S. §§ 396.2a(9) and (11).

4. Respondents have read and understand the terms and conditions of this Agreement.

5. Respondents acknowledge that this Consent Order is a matter of public record and is subject to disclosure under the Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.*

6. Respondents admit, stipulate, and agree to the following:

AGREEMENT AND STIPULATIONS

I. Findings of Fact

7. Respondent FLETCHER-ELGIN FUNERAL HOMES ("Funeral Home") is licensed by the Board, establishment license number 1620ES, and is located at 410 W. Cole Ave, Fletcher, OK 73541.

8. Respondent AMBER HENDRIX ("Funeral Director in Charge" or "FDIC") is licensed by the Board as a funeral director and embalmer, license numbers 3228FD and 3601EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

9. Respondent FLETCHER-ELGIN FUNERAL HOMES LLC (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent AMBER HENDRIX is the owner and registered agent for Respondent FLETCHER-ELGIN FUNERAL HOMES LLC.

10. On or about February 13, 2023, Board staff conducted an audit of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: there were no dates or times reflecting when the bodies were received; there were no dates or times reflected under “care given;” the dates and times of embalming were not listed in the Log; the signature and license number of the apprentice was not listed; and the FDIC was not listed in the log.

11. On February 13, 2023, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii) and O.A.C. 235:10-3-2(10). The Board provided Respondents with the Notice of Complaint via certified letter the same day, February 13, 2023.

12. On February 22, 2023, Respondents filed their response to Complaint 23-38 with the Board. Respondents stated that they had a software issue and have gone back to using a hardcopy log in the prep room.

13. Respondents agree and stipulate that the Log was deficient for the reasons set forth herein.

14. By public vote during the meeting on April 13, 2023, the Board found probable cause to file a formal complaint against Respondents for the violations stipulated to herein.

15. A formal Complaint and Notice of Hearing was issued together with a Subpoena to Produce Documents and served on Respondents. Instead of responding to the Complaint and the Subpoena, Respondents have entered into this Consent Order.

II. Conclusions of Law

16. Respondents violated O.A.C. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log.

17. Respondents violated O.A.C. 235:10-3-2(10) by failing to list the FDIC on the Log.

18. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent AMBER HENDRIX, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

19. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

III. Authorized Penalties

20. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

21. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

IV. Prior Disciplinary History

22. Respondents do have a prior disciplinary history with the Board.

- a. Complaint No. 18-30: A letter of concern was issued regarding a deficient body intake log.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Funeral Board as follows:

23. The Board *en banc* hereby adopts the parties' Agreement.

24. Pursuant to this Consent Order, Respondents **FLETCHER-ELGIN FUNERAL HOMES, FLETCHER-ELGIN FUNERAL HOMES LLC, and AMBER HENDRIX**, agree to the following terms and conditions, which are hereby imposed by the Board:

- a. Respondents agree to jointly pay the Oklahoma Funeral Board an **administrative penalty in the amount of five hundred dollars (\$500.00)** on or before **May 11, 2023**.

25. As authorized by law, Respondents shall jointly pay a total of **two hundred and fifty dollars (\$250.00)** towards the costs of this action, including prosecution and investigation costs pursuant to 59 O.S. § 396.12c(B). Said sum shall be paid in full **on or before May 11, 2023**.

26. Should Respondents violate this Consent Order, the Board shall hold a hearing regarding the alleged violation. The violation of any term(s) of this Consent Order may result in further disciplinary action, including, but not limited to, revocation of Respondents' licenses or certifications. Therefore, the Board retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Consent Order.

27. Respondents understand and agree that this Consent Order only resolves Respondents' violations arising out of the facts alleged in **Complaint 23-38**. The Board retains the right to prosecute any separate, independent, or future violations. Further, Respondents understand and

agree that the Board may consider this Consent Order when determining the penalty for any future disciplinary action.

On May 11, 2023, all participating members of the Board voted "Aye" in open session, approving the forgoing Consent Order.


Presiding Board Member
Oklahoma Funeral Board

CONSENT AND APPROVAL BY RESPONDENT

State of Oklahoma)
) ss
County of Oklahoma)

I, **AMBER HENDRIX, individually and as a representative of FLETCHER-ELGIN FUNERAL HOMES and FLETCHER-ELGIN FUNERAL HOMES LLC**, being first duly sworn upon oath, state that I have read the above Consent Order regarding **Complaint No. 23-38**. I understand that by its terms I waive certain rights accorded me under Oklahoma Law. I have either been represented by my attorney in this matter and have had the advice of my attorney and am satisfied with that advice, or I have knowingly waived my right to be represented by an attorney. I knowingly and voluntarily agree to the above Consent Order and request that it be entered by the Board.

I understand that the Consent Order will not be submitted for Board consideration until it has been agreed to and executed by me. The Consent Order will not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

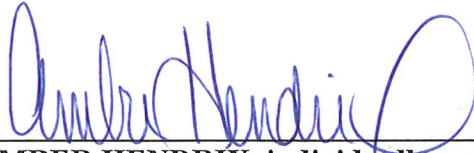
This Consent Order shall be presented to the Board with a recommendation by Board staff for approval by the Board at the **May 11, 2023** meeting of the Board. I understand that the Board is free to accept or reject this Consent Order and, if rejected by the Board, a formal disciplinary hearing on the complaint against me will be set for hearing.

If the Consent Order is not accepted by the Board, it shall be regarded as null and void. Admissions by me in the Consent Order will not be regarded as evidence against me at the subsequent disciplinary hearing. I will be free to defend myself and no inferences will be made from my willingness to have entered into this agreement. It is agreed that neither the presentation of the Consent Order nor the Board's consideration of the Consent Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members, and therefore I hereby agree to waive any rights I might have to challenge the impartiality of the Board to hear the disciplinary complaint, if after review by the Board, this Consent Order is rejected.

I am fully aware of my rights to contest the charges pending against me. These rights include: representation by an attorney at my own expense; the right to a public hearing on any charges or allegations filed; the right to confront and cross-examine witnesses called to testify against me; the right to present evidence on my own behalf; the right to compulsory process to secure attendance of such witnesses; the right to testify on my own behalf; the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint and the right to obtain judicial review of the Board's decision. In exchange for the Board's acceptance of this Consent Order, I voluntarily waive all of these rights, with the exception of the right to an attorney, which I understand that I may exercise at any time should I choose to do so.

This Consent Order is contingent upon my fulfillment of the agreed order, and upon my payment of the administrative penalties and legal expenses in the amounts and on the dates scheduled above, or the agreement may at the option of the Board be declared null and void.

Dated this 18th day of April, 2023.



**AMBER HENDRIX, individually and as a representative of
FLETCHER-ELGIN FUNERAL HOMES and
FLETCHER-ELGIN FUNERAL HOMES LLC**

Respondents

Subscribed and sworn to by **AMBER HENDRIX, individually and as a representative of
FLETCHER-ELGIN FUNERAL HOMES and FLETCHER-ELGIN FUNERAL HOMES
LLC** before me on this 18th day of April, 2023.



Notary Public

My Commission Expires: 3-30-2026
My License No.: 22004470

