

**OKLAHOMA FUNERAL BOARD**  
3700 North Classen Blvd, Suite 175  
Oklahoma City, Oklahoma 73118

NOTES OF REGULAR MEETING

MEETING PLACE: **Office of Chief Medical Examiner – OKC**  
**921 N.E. 23<sup>rd</sup> Street Conference Room – 1<sup>st</sup> Floor**  
**Oklahoma City, OK 73105.**

DATE & TIME: February 13, 2020 10:00AM

\*\*\* This symbol denotes the application and/or applicant is not in compliance with  
235:1-1-2 (c) (14 day Rule)

A copy of this notice of meeting and agenda has been posted in a prominent location at  
the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175,  
Oklahoma City, Oklahoma, on February 10, 2020 at 8:00AM

A copy of this agenda is available on the Funeral Board website at  
[www.ok.gov/funeral](http://www.ok.gov/funeral)

If you plan to attend a Board meeting for Continuing Education credit and would like a  
rough estimate of the length of time Board staff estimates the meeting might last, please  
email your request to [info@funeral.ok.gov](mailto:info@funeral.ok.gov).

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove,  
vote to table, change the sequence of any agenda item, or decide not to discuss any  
item on the agenda.

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1. **Roll Call**-Coble, Cooper, Highberger, Longanacre, Roberts
  2. **Approval of the November 14, 2019 Regular Board meeting minutes**-No
  3. **Review complaints with possible vote for probable cause or other action**

20-17- Overcharging-**Table**

20-22- Pre-need Contract Issues-**Dismiss and send to the Oklahoma  
Insurance Department**

20-23- Less than five Caskets; no Prices; License not Displayed-**Found  
Probable Cause**

20-24- Material Misrepresentation; Forgery; Insufficient Checks-**Dismiss with a  
letter of concern**

20-27- Overcharging-**Found Probable Cause**

20-28- Missing Jewelry-**Dismiss**

20-30- Continuing Education violation-**Found Probable Cause**

#### **4. Matters for consideration: Consent Order**

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

**4A. Complaint 20-13 Craig Owens, Ardmore, Licensed Funeral Director & Embalmer. Member Roberts needs to be recused.** The Board accepted a consent order on complaint 20-13. The agreed violations were: Unlicensed Practice; Material Misrepresentation; False and misleading Advertising; Gross malpractice or gross incompetency; violation of the Funeral Service Licensing Act; and Rules of the Board. The terms consisted of the following: Restitution to families of \$2,200.00; Administrative penalty of \$1,500.00; 2 years' probation of Funeral Director's License; 6 additional hours of Continuing Education; and court cost of \$1,000.00.

**5. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action**

**A. Apprenticeship (Original) All Approved**

1. Tammy Marshall, Cordell, Ray & Martha's FH, Cordell
2. Stephen Smith, OKC, Ford FS, Midwest City
3. Amari Knuckles, Lawton, Howard-Harris FS, Lawton

**B. Apprenticeship (1st extension) Number 1 and 3 approved; 2 was tabled; 4 was denied.**

1. Dalton Dowdy, OKC Alpha & Omega and OK Cremation, OKC (enrolled at UCO)
2. Ashley Oliver, Hugo Prater-Lampton-Mills & Coffey FH, Hugo (not enrolled in Mortuary College)
3. Edward Eschiti, Walters, Comanche Nation FH, Lawton & Southern Plains Mortuary, Walters (enrolled at Dallas)
4. Kaley Tyson, Yukon, Vondel Smith FH, OKC (not enrolled in Mortuary College)

**C. Apprenticeship (2nd extension) Number 1 was tabled; number 2 was approved.**

1. Rachel Fast, Mannford, Mannford FH, (not enrolled in Mortuary College)
2. Katie Clanton, Edmond, Hahn Cook-Street & Draper, FH, OKC (enrolled at UCO)

**D. Funeral Director and/or Embalmer (Reciprocal) Both were tabled**

1. Lisa Roberts, Arkansas (FD Only)
2. Christian Corl, Texas (FD only)

**E. Funeral Director and/or Embalmer (Original) Number 1 & 4 approved; 2,3, and 5 tabled**

1. Gabrielle Gray, Ponca City

2. Rubith Lujan, Edmond
3. Kaleigh Eastwood, Hugo (FD only)
4. Candice Smith, Atoka
5. Alec Dyer, OKC (FD only)

**F. Establishments-Number 1 tabled, 2-18 Approved.**

1. Simplicity Natural Burial & Cremation Co., Tulsa, New Establishment, Schaudt's Glenpool Funeral Service, Inc. Owner; Jason Mayes, FDIC
2. Kirk and Owens FH, Ardmore, request to close location
3. Kirk FH, Ardmore, New Establishment, Willie L. Kirk, Owner; Brandon Reid, FDIC
4. Parks Brothers FS, Prague request to change FDIC from Donald Tramel to Jerel Johnson
5. Parks Brothers FS, Stroud, request to change FDIC from Roger McElyea to Erin Bradley
6. Parks Brothers FS, Chandler, request to change FDIC from Roger McElyea to Mike McElyea
7. Foster-Petering FH, Muskogee, request to close location
8. Bradley Family Funeral & Cremation Service, Muskogee, request to change name from Bradley Family Funeral & Cremation Service to Bradley-Foster-Petering Funeral & Cremation Service.
9. Rose Hill Funeral Home, Tulsa request to change FDIC form Karyn Ezzell to Shane Borum
10. Advantage Funeral & Cremation Services, OKC request to change FDIC from John Davenport to Jeremy Sparks
11. Millsap FS, Webbers Falls, request to close location.
12. Cooper FH, Tecumseh, request to close location
13. Cooper FH, LLC, Tecumseh, New Establishment, Cooper Funeral Home, LLC, Owner; J. Cooper, FDIC

14. Cooper Chapel-Wanette, Wanette, request to close location
15. Cooper FH, LLC, Wanette, New Establishment, Cooper Funeral Home, LLC, Owner; J. Cooper, FDIC
16. Guardian Funeral Homes West Chapel, OKC request to close location
17. Huckleberry FS, Idabel, request to close establishment
18. Affordable Cremation Service-West, Elk City, New Establishment, Affordable, Inc., Owner; Christopher Whinery, FDIC

G. Crematories **Approved**

1. Parks Brothers Cremation Center of Oklahoma request to change FDIC from Donald Tramel to Jerel Johnson

**6. New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9. **No New Business**

**7. Legal Update-**No Action taken after Executive Session

- A. Possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Wagoner County District Court, Case Number CV-2019-122, Oklahoma Funeral Board vs. Michael Hopkins, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation
- B. Vote to enter open session.
- C. Possible vote on matters discussed in executive session.

**8. Oklahoma Funeral Director Association Update by a representative of**

**OKFDA** OKFDA Convention is only weeks away – Mike Nicodemus is hosting a full day certification workshop in Thackerville on April 19<sup>th</sup>. He will also be providing education at the convention Monday morning. Dr. Jason Troyer will be back this year providing 3 hours of CE regarding conflict in the arrangement room and social media – he was our highest ranked speaker last year.

Website – OKKFDA is in development of a new website that should be available in March. The new design includes an on-line registration for meetings

OKFDA is running three Bills. However, there are currently many Bills Affecting Funeral Service. They are:

HB4041 by Speaker McCall (OKFDA BILL)

Public health; requiring release of certain records and information to funeral directors and embalmers. This Bill will require nursing homes, VA, Hospitals and all other entities to inform the Funeral Home before pick-up if the decedent has any communicable disease. (for your protection)

**THIS BILL HAS PASSED COMMITTEE AND WILL BE VOTED ON.**

HB3743 Sims

An Act relating to vital records; amending 63 O.S. 2011, Section 1-324, which relates to certified copies of records; directing the State Commissioner of Health to contract with the Oklahoma Tax Commission; providing for issuance of certified death certificates at local tag agencies. Thus, allowing you to pick up Death Certificates at the Tag Agency. HEALTH DEPT DOES NOT SUPPORT THIS

**Passed out of Committee AMENDED – to include an \$8 fee to Tag Agency**

HB3544 Ms. Townley

Authorizing an advanced practice registered nurse to sign a death certificate. I will ask the committee to include a Nurse Practitioner as many people are seeing them as family Doctors.

**Passed out of Committee**

HB3358 Strom

Janie's Gift Act; If donor makes an anatomical gift and does not have sufficient property or means to pay, and application can be made by surviving family member or responsible party and the State Dept of Health will have a fund that will pay for funeral expenses. There will also be a check box on your IRS Tax Forms that you can make a donation to help fund Janies Gift Fund

**Second reading to Public Health**

SB1893 Ms Bice & Miller

An Act relating to infant mortality (sudden unexplained infant death investigation; requiring ME's office to examine within 48 hours

**Passed out of Committee and Referred to Appropriations**

SB1238 Young

An Act relating to maternal mortality; this is the death of a woman while pregnant or within 42 days after the end of pregnancy. This Bill requires a special place on Death Certificate and notice to Health Dept.

**Referred to Health and Human Svc**

SB447 by Mr. Newhouse

The State of Oklahoma shall establish a program to provide assistance for the funeral expenses of all members of the National Guard, police, state troopers, firefighters and first responders who have died in the line of duty while under state orders. The program shall provide a grant for funeral expenses for any person who qualifies as determined by the Oklahoma Homeland Security Director. Maximum reimbursement shall not exceed Ten Thousand Dollars (\$10,000.00)

**Referred to Appropriations (House Author)**

SB 1311 Pederson

An Act relating to cemeteries; providing for method of burial space reversion; providing certain guidelines for notification process; providing certain remedy for certain claims.

This Bill will allow cemetery owners to retain a cemetery plot if not used within 75 years. If a family member (in the 76<sup>th</sup> year of ownership) comes to use the property they will be given a plot near the same area if possible.

**Sent to Judiciary**

SB1839 Ms. Hicks

Department of Human Services is authorized to make the necessary funeral arrangements and pay any reasonable burial expenses incurred upon the death of a child or a ~~retarded person~~ an individual with intellectual disability who is either in the custody of the Department or is a resident of an institution under the jurisdiction of the Department. This is a verbiage change only

**Second Reading Do Pass Sent to HHS and Appropriations**

HB 2830 by Mr Gann

Sunset; Oklahoma Funeral Board; re-creating the Board; modifying termination date.

You may not know, but they Funeral Board is “sunset” every 6 years and this is the 6<sup>th</sup> year. This Bill is required to keep the Funeral Board Operating.

**Do Pass Amended to 1 Year**

HB1254 McBride

Funeral Board Reform Act. This Bill would supersede HB2830 and would end the Funeral Board

**Referred to Rules**

We have three additional Bills that are a bit tricky and require my daily attention.

Earlier in the year **our Insurance Commissioner** approved a limited lines license for pre-need sales. Long story short, the Commissioners Chief of Staff and legal counsel both resigned. This left a gap and our Bill did not get moved forward.

**Our final Bill HB1710 This Bill** will change the waiting period of a death without a body present from 7 years to 2 years with required information entered into the National Database. This has been difficult as it needed special handling. Speaker of the House Charles McCall has been a huge help on this.

Finally, I am tracking a few Bills the Governor has requested to form one large board that would represent a number of Boards including the Funeral Board. I am not sure this would be a positive move for our industry.

This is quite a bit to absorb so I will conclude this long-winded note! I will let you know what I find tomorrow and I will keep you aware of the legislation. I may need your help with letters, etc.

Thank you!  
Gordon

## 9. Executive Director's Report

- A. Agency Financial update Agency Financial update **Mr. Ferguson reported gross receipts for January 2020 to be \$121,525.50 with \$10,164.55 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$33,219.94 and net income after expenses totaled \$78,141.01**
- B. OMES Computer project update **The staff has been working with OMES and anticipate signing a contract with them soon.**
- C. 2020 Legislative Report-HB1254; HB2830; HB4041; HB3544; and HB3743. **These Bills were covered in the OFDA report.**

## 10. Adjournment 10:56AM

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Chris Ferguson  
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: **March 12, 2020  
Office of Chief Medical Examiner – OKC 921 N.E. 23<sup>rd</sup> Street Conference Room  
1<sup>st</sup> Floor Oklahoma City, OK 73105.**