



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD

3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

November 12, 2020

BOARD MEMBERS

Tom Coble
J. Cooper
Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

STAFF

Amanda Everett, AAG
Chris Ferguson
Martha Kulmacz, AAG
Thomas Grossnicklaus, AAG
Thomas Schneider, AAG
Karol Shepherd
Tyler Stiles

MEETING PLACE: MEETING PLACE: **Videoconference at**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only Board Members, Staff, and Respondents use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105. Face masks are required to be worn if attending in person.

A Board meeting of the Oklahoma Funeral Board was held on November 12, 2020 at 10:00 a.m. via videoconference in accordance with the Administrative Procedures Act, and the Open Meeting Act as amended by HB 661 signed into law by Governor Stitt on March 18, 2020. Members of the public attended the meeting via Videoconference on

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

An alternative dial in number was 1-408-418-9388; Access Code 1260612143.

Appearing in person were Board members; J. Cooper, Joe Highberger, Brent Matherly, Jim Roberts, and Chad Vice, Board staff Amanda Everett, AAG, Chris Ferguson, Thomas Grossnicklaus, AAG, Thomas Schneider, AAG, Karol Shepherd, and Tyler Stiles. Board member Tom Coble and Martha Kulmacz, AAG appeared remotely via videoconference.

This virtual Board meeting notice and agenda was posted on our web site (www.ok.gov/funeral) on November 9, 2020 at 9:45AM

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Highberger called the meeting to order at 10:00AM. Board Members Coble, Highberger, Matherly, and Roberts were present. Members Cooper and Vice were absent. A quorum was at all times present.

Reading of the Oklahoma Funeral Board mission statement. The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Board members Cooper and Vice entered the meeting room.

Mr. Ferguson distributed to the Board a report by Kacey Ferguson, OFDA President. The report stated: We wanted to update the Oklahoma Funeral Board that our executive director, Gordon Welch, is no longer with the association. At the current time the board is running the day to day operations. We had three district meetings during October and November with one hour of continuing education. We are planning to have a two day continuing education seminar on December 6th and 7th that will be free to all members and \$35 for non-members. We are still working on times for those dates. We are moving forward with convention for 2021 in Tulsa and we are currently working on our membership drive for 2021. If you have any questions please feel free to contact us. Sincerely, Kacey Ferguson OKFDA President.

Motion by Cooper second by Highberger to find probable cause on complaint 20-47 regarding unlicensed practice/ cremated remain issues. Motion passed unanimously.

Motion by Roberts second by Highberger to find probable cause on complaint 21-02 regarding not paying vendor. Motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 21-09 regarding rude funeral home employees. Motion passed unanimously.

Motion by Vice second by Highberger to find probable cause on complaint 21-11 regarding pre-need issues. Motion passed unanimously.

Motion by Vice second by Highberger to dismiss complaint 21-12 regarding advertising issues with a letter of concern. Motion passed unanimously.

Motion by Vice second by Cooper to dismiss complaint 21-16 regarding preneed issues. Motion passed unanimously.

Motion by Vice second by Highberger to dismiss complaint 21-21 regarding next of kin issues. Motion passed unanimously.

Regarding matters for consideration: Consent Order: Complaint 20-40 Pollard Funeral Home, Inc-OKC, Establishment, OKC; Pollard Funeral Home Inc., Owner; Charles Pollard II, FDIC, OKC. Respondent Charles Pollard was present and was represented by attorney Don Smitherman who was also present. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Matherly, Roberts and Vice heard the case. Member Highberger was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Cooper second by Vice to accept the Consent Order. The Consent Order consisted of the following: The agreed violations were: Failure to provide casket price list, charging more for professional services than listed on the GPL, violation of the Funeral Service Licensing Act and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$2,000, of the Administrative Penalty, \$1,000 shall be assessed to Pollard Funeral Home and \$1,000 to FDIC Charles Pollard, 6 hours CE, Restitution to the life insurance beneficiary of \$1,500, Costs of \$1,050. Motion passed unanimously.

Member Highberger reentered the room

Regarding matters for consideration: Consent Order: Complaint 20-11 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga; Complaint 20-26 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga; and Complaint 20-32 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga. Respondent Kenneth Anglin Jr. was present and was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Matherly, Highberger, Roberts and Vice heard the case. Members Cooper was recused from the case and he left the room.

After the presentation of the agreed upon consent order, motion by Roberts second by Highberger to accept the consent order. The consent order consisted of the following: The agreed violations were: gross malpractice or gross incompetence, Unlicensed practice, failure to timely file death certificate, false or misleading advertising, violation of the ethics rules, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$8,000, Kenneth Anglin is placed on Probation for 2 years and shall report monthly with copies of each Statement of Goods and Services for all deaths which Kenneth Anglin participates in commencing December 10, 2020, Kenneth Anglin shall receive a letter of concern regarding receiving a death call from Enid Police Department while not having an Establishment License, 12 hours of additional Continuing Education with 6 of those hours related to ethics, Costs of \$3,290. The penalty and costs shall be paid in 37 monthly payments of \$300 per month starting January 10, 2020. If Kenneth Anglin misses any payment, his funeral director and embalmer licenses shall automatically become suspended at 12:01AM the following day. Motion passed unanimously.

Member Highberger reentered the room

Matters for consideration: Consent Order. The Board took no action on: Complaint 20-39 Amy Stittsworth Funeral Service and Cremation Directors, Establishment, Enid; Amy Stittsworth Funeral Service and Cremation Directors, Inc., Owner, Enid; William Stittsworth Jr., FDIC, Enid.

Matters for consideration: Consent Order: Complaint 21-04 Integrity Funeral Service, Establishment, Henryetta; Integrity Funeral Service, LLC, Owner; David Vanmeter, FDIC Weleetka. Respondent David Vanmeter was present via video conference and was not represented by an attorney. The prosecution was represented by Thomas Grossnicklaus, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Matherly, Highberger, and Vice heard the case. Member Roberts was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Cooper second by Highberger to accept the Consent Order. The Consent Order consisted of the following: The agreed violations were: Failing to comply with the Funeral Rule of the Federal Trade Commission, Failure to maintain an up-to-date Body Intake Log, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$2,000, \$1,000 of the Administrative Penalty assessed to Integrity Funeral Service and \$1,000 assessed to FDIC David VanMeter, Costs of \$650. Motion passed unanimously.

Member Roberts reentered the room

Matter for consideration: Consent Order. Complaint 20-35 Burkhart Funeral Service, Establishment, Antlers; Burkhart Funeral Service, LLC, Owner, Antlers; Thomas Burkhart, FDIC, Antlers. Because of some unusual circumstances with the Respondent he did not appear in person, on video, or by telephone. The respondent was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Matherly, Highberger, Roberts, and Vice heard the case. Members Cooper was recused from the case and he left the room.

After the presentation of the agreed upon consent order, motion by Roberts second by Highberger to accept the consent order. The consent order consisted of the following: The agreed violations were: Failure to discharge financial obligation, overcharging the consumer, gross malpractice or gross incompetence, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$500, Restitution to the family of \$2,454.50, Costs of \$920. The restitution shall be due by December 10, 2020, the costs shall be paid in four monthly payments of \$250 per month starting December 10, 2020. The Administrative

Penalty shall be paid at the rate of \$250 per month starting March 15, 2021. Motion passed unanimously.

Consent Order. Complaint 20-44 Burkhart Funeral Service, Establishment, Antlers; Burkhart Funeral Service, LLC, Owner, Antlers; Thomas Burkhart, FDIC, Antlers. Because of some unusual circumstances with the Respondent he did not appear in person, on video, or by telephone. The respondent was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Matherly, Highberger, Roberts, and Vice heard the case. Members Cooper was recused from the case and he was already out of the room.

After the presentation of the agreed upon consent order, motion by Roberts second by Highberger to accept the consent order. The consent order consisted of the following: The agreed violations were: Failure to file death certificate, gross malpractice or gross incompetence, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$1,250, 6 hours of Continuing Education, Costs of \$750. The costs shall be paid in four monthly payments of \$250 per month starting April 15, 2020. The Administrative Penalty shall be paid at the rate of \$250 per month starting July 15, 2021. Motion passed unanimously.

Mr. Cooper returned to the room.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Stephanie Blankenship, Lindsey, Boydston-Wilbourn FH, Lindsey; Chezney Nielsen, Weatherford, R.L. Lockstone FH, Weatherford; and Akeah Aschmeller, Edmond, Ford FS, Midwest City. Motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (1st extension) Mikala Lea, Crescent, Resthaven FH, Shawnee (enrolled at UCO) and Dakota Jones, Ada, Estes-Phillips FH, Ada (enrolled at UCO). Motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Apprenticeship (1st extension) Williams Swanson, Choctaw, Chapel Hill FH, OKC (enrolled at UCO) and Nathan Rice, Pryor, Stephens-Key FH, Pryor (not enrolled in mortuary school). Motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (2nd extension) Randy Brice, Muskogee, Lescher-Millsap FH, Muskogee (graduate of Commonwealth) and Leslie Sheppard, OKC, Chapel Hill, OKC (enrolled at UCO). Motion passed unanimously.

Motion by Roberts second by Highberger to deny the following: Apprenticeship (2nd extension) Paul Bruns, Edmond, OKC Cremation, OKC (not enrolled in mortuary school). Motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (4th extension) Rachel Norman, Broken Arrow, Moore Eastlawn FH, Tulsa (graduate of Northeast Texas) Motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (FD only) Brent Patterson, Tuttle, Ingram Smith & Turner Mortuary, Yukon and Alysha Minniear, Tulsa, Butler-Stumpff & Dyer FH, Tulsa. Motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Reciprocal) Colin Boldien, Texas. Motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Original) Gary White, Tulsa (FD only). Motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishments; . Dighton-Moore FS, Owasso, request to change FDIC from Ronnie Dighton to John Irby; Don Grantham FH, Duncan, request to close location; Rice FH, Claremore, request to change FDIC from Rondall Gammon to Jackie Shurden; Rice FH, Catoosa, request to change FDIC from Rondall Gammon to Jackie Shurden; Broken Arrow FH, Broken Arrow, request to change FDIC from Jackie Shurden to Rondall Gammon; Kennedy-Midtown FH, Tulsa request to change FDIC from Jackie Shurden to Rondall Gammon; Kennedy-Midtown Funeral & Cremation Service, Tulsa request to change name from Kennedy-Midtown Funeral & Cremation Service to Cremation Care +; and Ingram Smith & Turner Mortuary, Yukon request to change FDIC from Tim Ingram to Calvin Chaffin. Motion passed unanimously.

Motion by Roberts second by Highberger to deny the following: Establishments: Miller-Stahl Funeral Service, Newkirk, New Establishment, Legacy Funeral Holding Of Oklahoma, LLC. Owner; Craig Schatz, FDIC. Motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Crematories; Southpointe Cremation Center, Bixby, New Establishment, Bixby Funeral & Cremation LLC. Owner; Christopher Teel, FDIC. And Brown Winters Crematory, Miami, request to change FDIC from Brian Buchanan to Mike Doner. Motion passed unanimously.

No New Business was discussed.

Motion by Cooper second by Vice to approve the meeting dates for calendar year 2021 as the second Thursday of each month and November 8, 2021 meeting dates to be held at the Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105. Motion passed unanimously.

No motions were made but direction was suggested that staff research changes to the Oklahoma Funeral Board Rules to include adding one more hour of the in person hours to the continuing education requirements. Also the suggestion for staff to research

changes to the Funeral Service Licensing Act to include the regulation of Alkaline Hydrolysis.

Mr. Stiles gave the following report: Investigator's Report- Mr. Stiles reported for FY20 complaints prior to the November 12, 2020 Board meeting, the Funeral Board has received a total of 48 complaints with 21 of those complaints coming from consumers. The Board was able to retrieve a total of \$4,780 in restitution for consumers. As of November 12, 2020's meeting, the Board has received 24 complaints since July 1, 2020 with 16 of those coming from consumers.

The State of Oklahoma has created a new brand for each agency. The Oklahoma Funeral Board has recently received their new logo and have started using the new logo on Agency Letterhead and will start using the new logo on envelopes.

Mr. Stiles and Mr. Ferguson attended an online training hosted by North American Death Care Regulators Assoc. Various investigators and agency leaders took part in networking, state statute trainings, and round table discussions concerning complaints and new legislation.

Mr. Ferguson gave the following report: Executive Director's Report.-Agency Financial update Mr. Ferguson reported that due to OMES computer problems that the financial report was not available and that it will be forwarded to the Board members as soon as the report is ready.

International Conference of Funeral Service Examining Boards-Regulatory Essentials: Board Training Report- Mr. Ferguson reported that because of the Oklahoma ice storms most of the Board members and staff were not able to participate in the online training.

2021 License Renewal open renewal period-Mr. Ferguson reported that Funeral Home, Crematory, and Individual license are set to be mailed from the Board office within the week.

Medical Examiner Update- Mr. Ferguson reported that reported deaths to the Medical Examiner's office is up for the year. Suicides have also reported at a higher rate than previous years. The Tulsa location is building a new structure that will help complete the reaccrediting process.

Occupational Licensing Advisory Commission meeting- Mr. Ferguson reported that the commission voted and passed the review process for the Funeral Directors and Embalmer Licenses. This recommendation will be submitted to the full legislature for action this coming future session.

Department of Health Update-Mr. Ferguson reported that the lobby in the OKC office is now closed due to COVID-19 and the moving process to the Sand Ridge building downtown OKC. Please look for more information on the Board's web page.

Motion by Roberts second by Highberger to adjourn the meeting at 11:53A.M. The motion passed unanimously.

Mr. Joe Highberger
Board President