

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

NOTES OF REGULAR MEETING

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.

DATE & TIME: November 12, 2020 10:00AM

A Board meeting of the Oklahoma Funeral Board was held on November 12, 2020 at 10:00 a.m. which you could attend 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 may attend the meeting via Videoconference on

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

We ask that only Board Members, Staff, and Respondents use the video camera function. If attending in person the physical location is: Office of Chief Medical Examiner OKC 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

The following Board members will appeared in person: 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, also appeared in person; Board member Tom Coble and Martha Kulmacz, AAG, appeared remotely via videoconference and/or telephone.

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

If attending via videoconference or via telephone Continuing Education credit will not be provided for this meeting.

If any video and/or telephone connection is lost during the meeting on November 12, 2020, and if there is an inability to restore that connection during the 30 minutes thereafter, and which loss of connection results in the loss of a quorum, the meeting will automatically be stopped and reconvened on Friday, November 13, 2020 at 10:00am at the same physical location and using the same web ex conference web site and telephone number listed above. Please direct all questions to 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.

1. **Roll Call**-Coble, Cooper, Highberger, Matherly, Roberts, and Vice attended.

2. **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.

3. **Oklahoma Funeral Director Association Update by a representative of OKFDA** Mr. Ferguson passed out a report by Kacey Ferguson, OFDA President. The report contained the following; 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

4. **Review complaints with possible vote for probable cause or other action**

20-47- Unlicensed Practice/ Cremated Remains Issues-**Probable Cause**

21-02- Not Paying Vendor -**Probable Cause**

21-09- Rude Funeral Home Employees-**Dismissed**

21-11- Pre-Need Issues-**Probable Cause**

21-12- Advertising Issues-**Dismissed with a letter of concern**

21-16- Preneed Issues-**Dismissed**

21-21- Next of Kin Issues-**Dismissed**

5. **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.

5A. Complaint 20-11 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga. Member Cooper needs to be recused. The Board accepted a consent order on this case. 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 place 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

- 5B. Complaint 20-26 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga. Member Cooper needs to be recused.** The Board accepted a consent order that was combined with 20-11.
- 5C. Complaint 20-32 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga. Member Cooper needs to be recused.** The Board accepted a consent order that was combined with 20-11.
- 5D. Complaint 20-35 Burkhart Funeral Service, Establishment, Antlers; Burkhart Funeral Service, LLC, Owner, Antlers; Thomas Burkhart, FDIC, Antlers. Member Cooper needs to be recused.** The Board accepted a consent order on this case. 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.
- 5E. Complaint 20-44 Burkhart Funeral Service, Establishment, Antlers; Burkhart Funeral Service, LLC, Owner, Antlers; Thomas Burkhart, FDIC, Antlers. Member Cooper needs to be recused.** The Board accepted a consent order on this case. 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.

5F. 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. Member Vice needs to be recused. The Board took no action on this complaint.

5G. Complaint 20-40 Pollard Funeral Home, Inc-OKC, Establishment, OKC; Pollard Funeral Home Inc., Owner; Charles Pollard II, FDIC, OKC. Member Highberger needs to be recused. The Board accepted a consent order on this case. 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, Restitution to the family of \$1,500, Costs of \$1,050.

5H. Complaint 21-04 Integrity Funeral Service, Establishment, Henryetta; Integrity Funeral Service, LLC, Owner; David Vanmeter, FDIC Weleetka. Member Roberts needs to be recused. The Board accepted a consent order on this case. 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.

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

A. Apprenticeship (Original)-All approved

1. Stephanie Blankenship, Lindsey, Boydston-Wilbourn FH, Lindsey
2. Chezney Nielsen, Weatherford, R.L. Lockstone FH, Weatherford
3. Akeah Aschmeller, Edmond, Ford FS, Midwest City

B. Apprenticeship (1st extension)-Number 1 and 4 tabled and number 2 and 3 approved.

1. Williams Swanson, Choctaw, Chapel Hill FH, OKC (enrolled at UCO)
2. Mikala Lea, Crescent, Resthaven FH, Shawnee (enrolled at UCO)
3. Dakota Jones, Ada, Estes-Phillips FH, Ada (enrolled at UCO)
4. Nathan Rice, Pryor, Stephens-Key FH, Pryor
(not enrolled in mortuary school)

C. Apprenticeship (2nd extension)-Number 1 denied and number 2 and 3 approved.

1. Paul Bruns, Edmond, OKC Cremation, OKC (not enrolled in mortuary school)
2. Randy Brice, Muskogee, Lescher-Millsap FH, Muskogee (graduate of Commonwealth)
3. Leslie Sheppard, OKC, Chapel Hill, OKC (enrolled at UCO)

D. Apprenticeship (4th extension)-**Approved**

1. Rachel Norman, Broken Arrow, Moore Eastlawn FH, Tulsa (graduate of Northeast Texas)

E. Apprenticeship (FD only)-**All Approved**

1. Brent Patterson, Tuttle, Ingram Smith & Turner Mortuary, Yukon
2. Alysha Minniear, Tulsa, Butler-Stumpff & Dyer FH, Tulsa

F. Funeral Director and/or Embalmer (Reciprocal)-**Approved**

1. Colin Boldien, Texas

G. Funeral Director and/or Embalmer (Original)-**Tabled**

1. Gary White, Tulsa (FD only)

H. Establishments- **Number 1 through 7 and number 9 approved. Number 8 denied.**

1. Dighton-Moore FS, Owasso, request to change FDIC from Ronnie Dighton to John Irby
2. Don Grantham FH, Duncan, request to close location
3. Rice FH, Claremore, request to change FDIC from Rondall Gammon to Jackie Shurden
4. Rice FH, Catoosa, request to change FDIC from Rondall Gammon to Jackie Shurden
5. Broken Arrow FH, Broken Arrow, request to change FDIC from Jackie Shurden to Rondall Gammon.
6. Kennedy-Midtown FH, Tulsa request to change FDIC from Jackie

Shurden to Rondall Gammon.

7. Kennedy-Midtown Funeral & Cremation Service, Tulsa request to change name from Kennedy-Midtown Funeral & Cremation Service to Cremation Care +
8. Miller-Stahl Funeral Service, Newkirk, New Establishment, Legacy Funeral Holding Of Oklahoma, LLC. Owner; Craig Schatz, FDIC
9. Ingram Smith & Turner Mortuary, Yukon request to change FDIC from Tim Ingram to Calvin Chaffin

I. **Crematories-All approved**

1. Southpointe Cremation Center, Bixby, New Establishment, Bixby Funeral & Cremation LLC. Owner; Christopher Teel, FDIC.
 2. Brown Winters Crematory, Miami, request to change FDIC from Brian Buchanan to Mike Doner
7. **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**
 8. **Discussion and possible action on adoption of meeting dates for calendar year 2021 and suggested meeting locations.** The Board approved the meeting dates for calendar year 2021 as the second Thursday of each month and Wednesday, November 10, 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.
 9. **Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Rules** 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.
 10. **Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes** Staff was also directed to research changes to the Funeral Service Licensing Act to include the regulation of Alkaline Hydrolysis.
 11. **Investigator's Report**
 - A. Funeral Board Complaint data regarding FY20 & FY21-**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.

- B. State of Oklahoma New Branding Logo -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.**
- C. North American Death Care Regulators Assoc. Training Report- 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.**

12. Executive Director's Report

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

- F. **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.**

13. Adjournment-12:53pm

Chris Ferguson
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: **December 10, 2020, at the Office of the Oklahoma Chief Medical Examiner, 921 N.E. 21st Street, Oklahoma City, Oklahoma, however, the public may watch the meeting virtually at the virtual address and/or telephone number listed above.**