



MINUTES OF A REGULAR MEETING

**OKLAHOMA FUNERAL BOARD**

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

October 8, 2020

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**BOARD MEMBERS**

Tom Coble  
Joe Highberger  
Brent Matherly  
Jim Roberts

**STAFF**

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

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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. 23<sup>rd</sup> Street Conference Room 1<sup>st</sup> 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 October 8, 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; Joe Highberger, Brent Matherly, and Jim Roberts, Board staff Amanda Everett, AAG, Chris Ferguson, Thomas Grossnicklaus, AAG, Karol Shepherd, and Tyler Stiles. Board member Tom Coble, Martha Kulmacz, AAG and Thomas Schneider, AAG appeared remotely via videoconference.

This virtual Board meeting notice and agenda was posted on our web site ([www.ok.gov/funeral](http://www.ok.gov/funeral)) on October 2, 2020 at 3:20pm.

Continuing Education credit was not provided for this meeting.

President Highberger called the meeting to order at 10:00AM. Board Members Coble, Highberger, Matherly, and Roberts were present. Member 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.

Motion by Highberger second by Roberts to approve the September 10, 2020 Regular Board meeting minutes. Motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 20-09 regarding solicitation of business. Motion passed unanimously

Motion by Highberger second by Matherly to find probable cause on complaint 21-04 regarding body intake log, no casket prices, and outer burial container issues. The Motion passed unanimously.

Motion by Roberts second by Highberger to dismiss complaint 21-08 regarding overcharging. The Motion passed unanimously.

Motion by Roberts second by Highberger to dismiss complaint 21-15 for lack of jurisdiction regarding cemetery issues. The Motion passed unanimously.

Motion by Highberger second by Roberts to dismiss complaint 21-17 regarding stealing pre-need funds. The Motion passed unanimously.

Gordon Welch with the Oklahoma Funeral Director Association gave the following update: The OKFDA Board of Directors met and discussed the needs of funeral directors if the Governor did not sign the request to eliminate the CE requirement for license renewal. The OKFDA has tried to balance the need versus the care of social distancing. It has decided to hold three fall meetings. Each meeting will have one hour of CE (same CE at each). They will be held October 22, October 27 and October 29, 2020. Cost of the meetings will be \$15 and will include light snacks and beverages. In addition, the association will host a two-day event at Barnes Friederich Funeral Home in Midwest City. The event will be December 6 & 7, 2020. Each event will include five hours (repeated) on Sunday afternoon and Monday morning. Details of the education are still being worked out. This should meet the needed CE requirement. The OKFDA continues to move forward with the 2021 Convention on April 25 – 27 and will be held at the Marriott Renaissance located at 71<sup>st</sup> Street and Highway 169 in South Tulsa,

Oklahoma. It is OKFDA membership renewal time and renewals will be sent out soon. Members and the public can go online and join or renew or send in the application when it is received. The OKFDA would love to be able to say the entire funeral board were members and supported the State's Association. In addition, the vital records division of the Okla Health Dept has announced the temporary closure of the McAlester Location. The location will be closed until the 20<sup>th</sup>. Vital Records has suggested that there are no funeral directors using the location as a walk-in facility. Oklahoma City will service the needs until the 20<sup>th</sup>.

Motion by Roberts second by Matherly to table the Consent Order for Complaint 20-42 Dowdy-Marker Funeral Home, Establishment, Haskell; Marker Funeral Home, Inc., Owner; Michael Marker, FDIC, Bixby; Cynthia Foster, Apprentice, Bixby and the complaint until the November 12, 2020 Board agenda; The motion passed unanimously.

Motion at 11:20 a.m. by Roberts second by Matherly to take a 5-minute meeting break. The motion passed unanimously.

Motion by Matherly second by Roberts to reconvene the meeting at 11:27am. The motion passed unanimously.

Regarding matters for consideration: Respondents' Motion to Disqualify Board Members. 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. The Respondents were not present in person but were represented by their attorneys Bob Nance and Drew Edmondson who were both present. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Matherly, and Roberts heard the case. Members Highberger was recused from the case and he left the room.

After the presentation of the Respondents' Motion to Disqualify Board Members motion by Roberts second by Matherly to enter into executive session. Motion passed unanimously.

Motion by Roberts second by Matherly to exit executive session. Only this case was discussed and no votes were taken. Motion passed unanimously.

Motion by Matherly second by Roberts to deny the Respondents' Motion to Disqualify Board Members. Motion passed unanimously.

Member Highberger returned to the meeting.

Motion by Roberts second by Matherly to table the following Consent Orders: Complaint 20-35 Burkhart Funeral Service, Establishment, Antlers; Burkhart Funeral Service, LLC, Owner, Antlers; Thomas Burkhart, FDIC, Antlers and Complaint 20-44 Burkhart Funeral

Service, Establishment, Antlers; Burkhart Funeral Service, LLC, Owner, Antlers; Thomas Burkhart, FDIC, Antlers. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Haley Buller, Yukon, Ingram Smith & Turner FH, Yukon; Cadyn Brice, OKC, Baggerley FH, Edmond; and Addison Ray, Clinton, Corbett FH, OKC. The motion passed unanimously.

Motion by Highberger second by Matherly to table the following: Williams Swanson, Choctaw, Chapel Hill HF, OKC. The motion passed unanimously.

Motion by Highberger second by Matherly to approve the following: Apprenticeship (1st extension) Brian Saunders, Guthrie, Oklahoma Mortuary Service, OKC (EM only) (enrolled at UCO); Kristen Kennedy, Calumet, Ingram Smith & Turner FH, Yukon (enrolled at UCO); Cade Harkins, OKC, Matthews FH, Edmond (enrolled at UCO); and . Daysha Ross, Stilwell, Reed-Culver, Tahlequah (enrolled at UCO). The motion passed unanimously.

Motion by Highberger second by Matherly to approve the following: Apprenticeship (2nd extension) Alaina Webster, Noble, Mercer-Adams, Bethany (enrolled at UCO); Jennice Jeter, Stillwater, Strode FH, Stillwater (enrolled at UCO); and Carissa Eads, Mustang, Corbett FH, OKC (enrolled at UCO). The motion passed unanimously.

Motion by Highberger second by Matherly to table the following: Apprenticeship (2nd extension) Paul Bruns, Edmond, OKC Cremation, OKC. The motion passed unanimously.

Motion by Highberger second by Coble to approve the following: Apprenticeship (3rd extension) Kayla Houlton, Muskogee, Bill Eisenhour FH, OKC, (enrolled at UCO); Patricia Gonzalez-Carter, MaComb, Parks Bro FH, Prague (enrolled at Dallas); and Kelton Nance, Vici, Shaw FH, Vici, (enrolled at Dallas) The motion passed unanimously.

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

Motion by Highberger second by Matherly to approve the following: Geena Powell, Henryetta, (FD only) and Kenneth Hargrove Jr., Jenks (FD only). The motion passed unanimously.

Motion by Highberger second by Matherly to deny the following: Establishments: Neptune Cremation Service, Edmond, New Establishment, Neptune Management Corp. Owner; Angela Bynum FDIC. The motion passed unanimously.

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

Motion by Highberger second by Matherly to approve the following: Trout FH, Ponca City, request to change FDIC from Mark Riley to Preston Childress; Trout FH, Blackwell, request to change FDIC from Mark Riley to Preston Childress; Trout FH, Tonkawa, request to change FDIC from Mark Riley to Preston Childress; and DeArman FH, Ada, request to close location. The motion passed unanimously.

Motion by Highberger second by Matherly to approve the following: Crematory; Trout FH & Crematory, Ponca City, request to change FDIC from Mark Riley to Preston Childress. The motion passed unanimously.

Motion by Highberger second by Matherly to table the following: Mortuary Schools, Amarillo Mortuary College, Amarillo, Texas. The motion passed unanimously.

No new business was discussed.

Motion by Highberger second by Roberts to approve the following: Entering into a contract with Thentia to handle the Board's computer software needs. The motion passed unanimously.

Motion by Highberger second by Matherly to adopt the following emergency rules proposed due to the COVID-19 pandemic: 235:10-13-10. Continuing education requirements (a) Applicants for renewal of a funeral director or embalmer license in Oklahoma, shall submit the renewal fee and documentation as prescribed by the Board of each continuing education course the licensee attended during the year. Every licensed funeral director, and/or licensed embalmer, shall obtain a minimum of six (6) contact hours during each calendar year before their annual license renewal. One (1) contact hour shall be construed as 50 minutes of learning activity. Except during the 2020 calendar year for the 2021 license renewal, during which 2020 calendar year the COVID-19 pandemic has occurred, in at least one (1) hour of this continuing education, the Licensee shall be physically present at the location of the Presentation. One (1) hour of the required continuing education shall cover Ethics. The motion passed unanimously.

Executive Director's Report. Agency Financial update Mr. Ferguson reported gross receipts for September 2020 to be \$8,385.00 with \$671.00 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$33,882.60 and net income after expenses totaled -\$26,168.60

Mr. Ferguson reported that a Regulatory Essentials: Board Training Event will be held for Board Members and Staff training is set October 28 and 29.

Motion by Roberts second by Matherly to adjourn the meeting at 1:04pm. The motion passed unanimously.

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Joe Highberger,  
Board President