



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD
3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

December 9, 2021

BOARD MEMBERS

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

STAFF

Shayne Melton
Ashton Poarch, AAG
Rochelle Robinson
Tyler Stiles

MEETING PLACE: MEETING PLACE: Videoconference at <https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>
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.

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 December 7, 2021 at 9:30AM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

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, Matherly, Highberger, Roberts, Sanders, and Vice were

present. Member Cooper was not present for roll call. A quorum was always present.

Member Cooper entered the meeting after roll call.

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 Sanders to approve the November 10, 2021 Regular Board meeting minutes. The motion passed unanimously with Member Coble abstaining.

Dustin Pierce with OKFDA updated the Board regarding the OKFDA procrastinators meeting held on December 5th and 6th in Midwest City and that they had 170 licensees come to those meetings and thanked Mr. Stiles for directing licensees to the OKFDA classes.

Motion by Highberger second by Roberts to dismiss complaint 21-34 regarding not providing a GPL and Statement of Goods. The motion passed unanimously.

Motion by Vice second by Highberger to find probable cause on complaint 22-15 regarding Ethics Issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-01 Carter-Smart Funeral Home-Duncan, Duncan; Ronald L. Smart, Duncan; Ronald Smart, FDIC, Ronald Smart. Respondents appeared in person. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Matherly, Roberts, Sanders, 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 Sanders to accept the Consent Order. The consent order consisted of the following: The agreed violations were: failure to maintain an up-to-date body intake log, not having the FDIC reflected on the Body Intake Log, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$500 and Costs of \$250. Motion passed unanimously.

Member Highberger reentered the room.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-05 Adamscrest Funeral Service, Tulsa; Adams-Crest Funeral Home and Cremation Center, LLC, Tulsa; Nick Reynolds, FDIC, Tulsa. The respondents appeared on Webex. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, Roberts, Sanders, and Vice heard the case. Member Matherly was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Vice second by Cooper to go into executive session. The motion passed unanimously.

Motion by Vice second by Cooper to come out of executive session. Only this case was discussed and no votes were taken. The motion passed unanimously.

The consent order consisted of the following: Failure to comply with the Funeral Rules of the FTC, overcharging, forgery, violation of the ethics rules, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Restitution to the Oklahoma Crime Victims Compensation of \$3,447, Administrative Penalty of \$5,000, 6 hours of additional continuing education, and Costs of \$1,000. Motion by Highberger second by Roberts to deny the Consent Order for the addition of 1 year of probation.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-11 Lockstone Funeral Home of Thomas, Inc, Thomas; Lockstone Funeral Home of Thomas, Inc, Owner, Thomas. The respondents appeared via Webex. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, Roberts, Sanders, and Vice heard the case. Member Matherly was recused from the case and he was already outside of the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Sanders to approve the Consent Order. The consent order consisted of the following: The agreed violations were: failure to maintain an up-to-date body intake log, not having the FDIC reflected on the Body Intake Log, failure to display licenses, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$250 and Costs of \$250. The motion passed unanimously.

Member Matherly reentered the room.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Jonathan Bland, Yukon, McNeils, Mustang; Loran Taff, OKC, OMS, OKC (EM Only); Yobana Cordoba, Edmond, Advantage FH-South, OKC; Mackenzie Parks, OKC, OMS, OKC (EM Only); Devin Stark, The Village, Vondel L. Smith, OKC; Maleha Tatum, Ada, Criswell FH, Ada; Katlynn Chism, MWC, Bill Eisenhour, OKC; Landis Thompson, Broken Arrow, Palmer Marler, Cushing. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (FD Only) Amber Bright, Moore, John Ireland, Moore; Jessica Ramirez, Purcell, Wadleys FS, Purcell; David Ragsdale, Jr, Muskogee, Biglow Funeral Directors, Muskogee. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (3rd extension) Randy Brice, Muskogee, Lescher-Millsap, Muskogee. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal) Aaron Brown, Texas; Sheila Brisendine, Texas; Danilo Gatón, California. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Original) Leslie Sheppard, OKC; James Groesbeck, Sand Springs (FD Only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Randy Brice, Muskogee. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishments, Hartwell FH, Tishomingo, request change of FDIC from Tasha Kemp to Staci Hartwell-Helm; Evans & Miller FH, Poteau, request change of FDIC Jimmy Cook to Justin Tucker; Evans & Miller FH, Pocola, request change of FDIC Jimmy Cook to Justin Tucker; Mallory FH-Porum, Porum, request change of FDIC from Doug Martin to Brian Ford; Mallory FH of Quinton, Quinton, request change of FDIC from Doug Martin to Brian Ford; Mallory-Martin FH of Stigler, Stigler, request change of FDIC from Doug Martin to Blake Martin. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Crematory, Mallory-Martin Funeral Home and Crematory, Stigler, request

change of FDIC from Doug Martin to Blake Martin. The motion passed unanimously.

No New Business was discussed

Executive Director's Report- Agency Financial update- Mr. Stiles reported gross receipts for November 2021 to be \$60,742.00 with \$5,469.20 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$35,676.51 and net income after expenses totaled \$19,596.29.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Highberger second by Sanders to move forward with changing the statute and creating legislation regarding changing the amount of the quorum from 3 member to 4 members. The motion passed unanimously. Statute to read as follows: Quorum Amount Change-§59-396.22. Meetings of Board. Meetings of the Board shall be held at least twice a year at such places as may be designated by the Board. Four ~~Three~~ members of the Board shall constitute a quorum.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Highberger second by Roberts to move forward with changing the statute and creating legislation regarding changing the amount of education requirements for the FD and EM licenses. The motion failed with Members Highberger, Roberts, and Sanders voting Aye, and Members Coble, Cooper, Matherly, and Vice voting No.

Statute was to read as follows:

FD/EM Licensing education requirements -§59-396.3. Qualifications and examination of funeral directors and embalmers - Approved schools
B. 1. Except as provided in subsection C of this section, the minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: The minimum requirements for a license to practice funeral directing or embalming, or both, are as follows:

An applicant for a license to practice funeral directing or embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. In addition, an applicant ~~shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university,~~ shall be a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice

prior to enrollment in an approved school of mortuary science, or subsequent to graduation from the school and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination with a 75 or higher on each exam.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Cooper to move forward with changing the statute and creating legislation regarding changing the amount of education requirements for the FD Only license. The Motion died due to lack of a second.

The Statute was to read as follows:

FD Only additional hours requirement- -§59-396.3. C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing, but not embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice funeral directing shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by program of mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of Study shall include at least thirty (30) semester hours or Equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience and preparation for the required board exams. In addition to the funeral director course of study the applicant is required to complete ~~at least sixty (60) additional semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university and must complete a~~ twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with twenty-five arrangement conferences and assisted with twenty five separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Highberger second by Roberts to move forward with changing the Board Rules to include procedures for rule promulgation following the update from

the Administrative Procedures Act. Board staff will begin the Rule change process. The language will be as follows:

OAC 235:10-1-4. Requests for rule interpretation or promulgation

(1) Requests for rule interpretation

- a. Any person who may be affected by the existence of application of any of the rules of this chapter may request in writing an interpretation of ruling regarding the application of such rule to the facts furnished with the inquiry. Any such request shall state fully the facts concerning which the rule may apply, and the particular rule about which the question exists. The request or inquiry will be added to the agency for the next scheduled Board meeting and may if necessary be continued for further consideration to additional business meetings. The Board's interpretation of the rule will be furnished in writing to the person making the request, within a reasonable time thereafter.
- b. Requests for interpretation of rules shall not be accepted or considered if the request involves facts and/or circumstances whereupon a complaint has been filed, but not yet disposed.

(2) Requests for rule adoption, amendment, or repeal

- a. Any interested person may request the Board to adopt, amend or repeal a rule in this chapter. The request shall be made in writing and shall include an explanation to support the request. A request shall also include:
 - i. the name, address and telephone number of the person making the request;
 - ii. the name, address and telephone number of the agency or organization the person represents, if any;
 - iii. the reason for requesting the adoption, amendment, or repeal of a rule;
 - iv. the number used to identify the rule if the request is to amend or repeal an existing rule; and
 - v. the proposed language if the request is to amend an existing rule or adopt a new rule.
- b. It is the Board's policy to respond to such requests within 30 calendar days.

President Highberger will communicate with OKFDA and Dr. Fritch from UCO on the committee regarding legislation changes for the education requirements on licensure. Member Highberger will call the committee members to schedule more meetings.

Motion by Roberts second by Sanders to adjourn the meeting at 12:00PM.
The motion passed unanimously.

Joe Highberger
Oklahoma Funeral Board President