



MINUTES OF A SPECIAL MEETING

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

February 11, 2021

BOARD MEMBERS

Tom Coble
Joe Highberger
Brent Matherly
Jim Roberts

STAFF

Chris Ferguson
Thomas Grossnicklaus, 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.

This Board meeting notice and agenda was posted on our web site (www.ok.gov/funeral) on February 5, 2021 at 1:30pm

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.

Motion by Roberts second by Matherly to approve the November 4, 2020 Special Board meeting minutes. The motion passed unanimously.

Motion by Roberts second by Matherly to approve the January 14, 2021 Regular Board meeting minutes. The motion passed unanimously.

Motion by Roberts second by Highberger to dismiss complaint 20-34 regarding preneed Issues. The motion passed unanimously.

Motion by Highberger second by Matherly to find probable cause regarding complaint 21-27 concerning a felony conviction. The motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 21-28 regarding unauthorized cremation. The motion passed unanimously.

Motion by Roberts second by Matherly to dismiss complaint 21-32 regarding out of state transport permit issues. The motion passed unanimously.

Regarding matters for consideration: Consent Order. Complaint 20-45 Huber Benson Funeral Home, Establishment, El Reno; Huber-Benson Funeral Home, Inc., Owner; Craig Huber, FDIC, El Reno. Respondent Craig Huber was present via videoconference and he 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, Highberger, Matherly, and Roberts heard the case. Member Vice was recused from the case and he did not attend the meeting.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Matherly to accept the consent Order. The Consent Order consisted of the following: The agreed violations were: gross malpractice or gross incompetence, failure to file a death certificate in a timely manner, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$2,500, Craig Huber shall obtain 6 hours of additional continuing education, Costs of \$750. The motion passed unanimously.

Regarding matters for consideration: Consent Order. Complaint 20-47 Brown's Family Funeral Home, Establishment, Mcloud; Brown's Family Funeral Home, LLC, Owner; Venita Elmore, FDIC, OKC. Respondent Isaac

Brown was present via videoconference and he 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, Highberger, and Matherly, 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 Highberger second by Matherly to accept the Consent Order. The Consent Order consisted of the following: The agreed violations were: gross malpractice or gross incompetence, violation of any of the ethics rules, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Restitution of \$1,540, Administrative Penalty of \$1,500 which shall be due at the time of meeting, Administrative Penalty of \$2,500 which shall be due in monthly payments of \$125 per month, Costs of \$500, Isaac Brown and Venita Elmore shall obtain 6 hours of continuing education. The motion passed unanimously.

Regarding matters for consideration: Consent Order. Complaint 21-11 Traditions Funeral & Cremation Services, Inc. Establishment, Kellyville; Traditions Funeral & Cremation Services, Inc. Owner, Kellyville; Tim Tyler, FDIC, Sapulpa. Respondent Tim Tyler was present via videoconference and he 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, Highberger, and Matherly, heard the case. Member Roberts was recused from the case and he was already out of the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Matherly to accept the Consent Order. The Consent Order consisted of the following: The agreed violations were: failure to comply with the requirements of the State Insurance Commission, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$250, Costs of \$250. The motion passed unanimously.

Member Roberts returned to the meeting room.

Regarding legal update: 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 Oklahoma County District Court, Case Number CV-2020-2297, *Neptune Management Corp. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, 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.; Vote to exit executive session; and Possible vote on matters discussed in executive session.

Motion by Highberger second by Roberts to enter into executive session. The motion passed unanimously.

Motion by Roberts second by Highberger to exit executive session. The motion passed unanimously. While in executive session no votes were taken and only this case was discussed.

No action was taken as a result of the executive session.

Motion by Highberger second by Matherly to approve the following: Apprenticeship (Original) Todd Jones, Duncan, Whitt FH, Duncan; Wacee Kerr, El Reno, Ingram, Smith & Turner Mortuary, Yukon; and Michaela Galle, Antlers, Serenity FS, Antlers. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (1st extension) Gracie Goodwin, Morris, Integrity FS, Henryetta (enrolled at UCO). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (2nd extension) Che'Lynn Jackson, Tulsa, Floral Haven FH, Broken Arrow (enrolled at UCO) and Abigail Tarlton, OKC, Ford FS, Midwest City (enrolled at UCO). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (3rd extension) Austin Kile, Chickasha, Sevier FH, Chickasha (enrolled at UCO) and Brandon Watter, Nowata, Benjamin FH, Nowata (enrolled at Dallas) The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Apprenticeship (FD only) (Original) Alan Hedden, Tulsa, Butler-Stumpff & Dyer FH, Tulsa (Grad of Dallas). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (FD only) (1st extension) James Groesbeck, OKC, Mobley-Groesbeck FH, Sand Springs (enrolled at UCO). The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal) Chester Beavers, Texas (FD only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following; Funeral Director and/or Embalmer (Original) Courtney Cross, Collinsville, (FD only). The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Patricia Gonzalez-Carter, Macomb and Mikala Lea, Shawnee. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishments; Bill Eisenhower FH, Del City, request to change the FDIC from Tina Tipps to Jeremy Sparks; Bill Eisenhower FH, OKC, request to change the FDIC from Tina Tipps to Jeremy Sparks; Ray & Martha's FH, Anadarko, request to change the FDIC from Dee Robertson to Kirsten Johnson; Signature Cremation & Funeral Care, OKC, request to change the FDIC from Samuel Flores to Cassie Alvarez; Advantage Funeral & CS, OKC, request to change FDIC from Jeremy Sparks to Samuel Flores; and Resthaven FH, Shawnee, request to change FDIC from Scotti Nease to Billy Robison. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Crematory; Cornerstone FH & Crematory, Muskogee, request to change the FDIC from Gary Cooper Jr. to Stacy Donelson. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Neptune Society, Edmond, New Establishment, Neptune Management Corp., Owner; Angela Bynum, FDIC. The motion passed unanimously.

No action was taken regarding the following: Legal Update; 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 Garfield County District Court, Case Number CJ-2020-284, *Amy Stittsworth Funeral Svc. & Cremation Directors, Inc., et al. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, 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

Administrative Assistant Report-Thentia Computer Software Project Update
Mrs. Shepherd updated the Board that she has currently started the process with Thentia regarding the development and implementation of a regulatory database. Currently, she is in the questionnaire process. This process is very time consuming due to analyzing all the data. The timeline for the development and implementation is tentatively set for August 2021.

Deputy Director's Report- Mr. Stiles reported the following: 2021 Legislative Update; HB1638; HB1742; HB2009; HB2038; HB2072; HB2528; SB301 and SB354. Mr. Stiles updated the Board that board staff are currently tracking the following Bills: HB1638 Rep. Lepak- Related to Death Certificates. Felony to knowingly provide false data or misrepresent any person's relationship to the decedent. This Bill was rescheduled for committee due to weather. HB1742 Rep. Dills- This is the Funeral Board Bill-Related to the change in cremation definition to include Alkaline Hydrolysis. This Bill was rescheduled for committee due to weather. HB2009 Rep. Townley- Related to advance practice registered nurses signing DC's. This Bill was rescheduled for committee due to weather. HB 2038 Rep. McCall- Related to public bodies conducting virtual meetings. Board staff was initially following this Bill but SB 1031 was passed through both chambers and signed by the Governor and allows for public bodies to hold meetings online. The Funeral Board anticipates to utilize both virtual as well as in person meetings to allow those who wish to attend but are unable to do so in person. HB2072 Rep. McCall- Related to a temporary funeral director and embalm license. This is a duplicative Bill similar to what is already in Statute but allows the Board to provide temporary licenses when the Governor declares an emergency instead of the Funeral Board's Executive Director. HB2528 Rep. Kannady- Funeral Service Licensing Act shell bill. This has not been scheduled for committee at this time. SB301 Sen. Bergstrom- Related to recommendations to the legislature for the need for out of state permits from the Medical Examiner's Office. This has not been scheduled for committee at this time. SB354 Sen. Bergstrom- Related to the elimination of the out of state permit from the Medical Examiner's Office for boarding counties to other states. Do Pass from committee after amending the Bill to include all 77 counties would not need an out of state permit instead of the bordering counties.

Executive Director's Report- Agency Financial update Mr. Ferguson reported gross receipts for January 2021 to be \$80,743.00 with \$7,931.80 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$40,394.18 and net income after expenses totaled \$32,417.02

2021 License Renewal open renewal period update Mr. Ferguson updated the Board that as of February 1, 2021 26 individual funeral directors and embalmers did not renew their 2021 licenses.

Motion by Roberts second by Highberger to adjourn the meeting at 12:10pm. The motion passed unanimously.

Joe Highberger
Funeral Board President