



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD

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

January 14, 2021

BOARD MEMBERS

Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

STAFF

Amanda Everett, AAG
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 January 8, 2021 at 2:00PM

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 Highberger, Matherly, and Roberts were present. Members Coble, 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.

No action regarding the November 4, 2020 Special Board meeting minutes

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

Mr. Vice enter the meeting room

Motion by Matherly second by Roberts to dismiss complaint 20-20 with a letter of concern regarding stealing customers. Highberger, Matherly, and Roberts votes yes, Vice didn't vote.

Motion by Highberger second by Roberts to find probable cause on complaint 20-25 regarding overcharging. The motion passed unanimously.

Motion by Roberts second by Highberger to find probable cause on complaint 20-45 regarding not filing death certificates. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 20-48 regarding not filing death certificate. The motion passed unanimously.

Motion by Roberts second by Matherly to dismiss complaint 21-06 regarding not filing death certificates. The motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 21-10 regarding next of kin issues. The motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 21-13 regarding rude funeral home. The motion passed unanimously.

Motion by Roberts second by Matherly to find probable cause on complaint 21-14 regarding FTC Issues/Overcharging. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 21-18 regarding unauthorized embalming. The motion passed unanimously.

Motion by Roberts second by Highberger to find probable cause on complaint 21-23 regarding vendor issues. The motion passed unanimously.

Motion by Vice second by Highberger to dismiss complaint 21-26 regarding insurance paperwork issues. The motion passed unanimously.

Regarding matters for consideration: Consent Order. Complaint 19-64 Roberts Funeral Home & Chapel, Establishment, Healdton; Dudley-Roberts Funeral Home, Inc., Owner; Shannon Roberts, FDIC, Healdton. Respondent Shannon Roberts was present via telephone and he was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members 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 Vice second by Matherly to enter into executive session. The motion passed unanimously.

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

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, Unlicensed practice, aiding and abetting unlicensed practice, charging for services not provided, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$1,200; One year probation; Restitution in the amount of \$5,500; and costs of \$1,520. Matherly and Roberts voted yes, Vice voted no. The motion passed.

Member Highberger reentered the room

Motion by Highberger second by Roberts to approve the following: Apprenticeship (Original) Robert Murray, Midwest City, Parks Brothers FS, Stroud. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Justin Lockwood II, Clinton and Alec Dyer, OKC (EM Only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Courtney Cross, Collinsville, (FD only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishment Brown Winters Crematory, Miami, request to change FDIC from Brian Buchanan to Michael Doner; Ingram Smith & Turner Mortuary, Yukon request to change FDIC from Calvin Chaffin to Tim Ingram; Davis FH, Cushing, request to close establishment; Matherly-Davis FH, Cushing, New Establishment, Matherly & Tank Funerals, Inc., Owner; Brent Matherly, FDIC; Knight-Swearingen FH, Maud, request to change FDIC from Hugh Megee to Robert Swearingen; Evans and Miller FH, Poteau, request to close establishment; Evans and Miller FH, Poteau, New Establishment, Evans and Miller FH, LLC, Owner; Jim Cook, FDIC; Evans and Miller FH, Pocola, request to close establishment; Evans and Miller FH, Pocola, New Establishment, Evans and Miller FH,

LLC, Owner; Jim Cook, FDIC; Shaw FH, Shattuck, request to change FDIC from Willis Shoaf to Lucas Faires; Shaw FH, Arnett, request to change FDIC from Willis Shoaf to Scott Ferrell; Smith FH, Sapulpa, request to change FDIC from Douglas Rutledge to Billy Cotton; Broken Arrow FH, Broken Arrow, request to close location; Brown FH & Cremations, Broken Arrow, New Establishment, Coweta Funeral Service, Inc. Owner; Logan Brown, FDIC; Checotah FH, Checotah, request to close location; Hunn FH & CS, Checotah, New Establishment, Hunn, Inc. Owner; Jacob Hunn, FDIC; Brown Family FH & CS, Coweta, request to change name from Brown Family Funeral Home & Cremation Service to Brown Funeral Home & Cremations; Lowell-Tims FH, Eldorado, request to close location; and Boydston-Wilbourn FH, Inc., Lindsey, request to change name from Boydston-Wilbourn Funeral Home, Inc. to Wilbourn Family Funeral Home Inc. The motion passed unanimously.

Motion by Highberger second by Vice to table the following: Bixby FS, Bixby, request to change name from Bixby FS to Bixby-South Tulsa Funeral Service and Crematory. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Crematory; Green Country Cremation Center, Sapulpa, request to change FDIC from Douglas Rutledge to Billy Cotton. The motion passed unanimously.

Motion by Roberts second by Vice to approve the following: Continuing Education The International Conference of Funeral Service Examining Board's virtual annual meeting continuing education credit and 2021 Funeral Board monthly Meetings. The motion passed unanimously.

No new business was discussed.

Executive Director's Report.

Agency Financial update. Mr. Ferguson reported gross receipts for December 2020 to be \$280,277.40 with \$30,983.60 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$40,489.81 and net income after expenses totaled \$239,787.59

2021 License Renewal open renewal period update-Mr. Ferguson updated the Board that as of January 14, 2021 42 individual funeral directors and embalmers did not renew their licenses.

2021 Legislative Update-The Bill filing deadline is January 21, 2021. Staff will be watching the filings and report back during the February meeting.

Motion by Roberts second by Vice to adjourn the meeting at 11:40AM

Joe Highberger
President