



Oklahoma Funeral Board
3700 N. Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118
405.522.1790

MEMORANDUM & BOARD PACKET

March 5, 2021

TO: MEMBERS

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

BOARD STAFF

Amanda Everett, AAG
Thomas Grossnicklaus, AAG
Thomas Schneider, AAG
Karol Shepherd
Tyler Stiles

FR: Chris Ferguson

RE: March 11, 2021 Regular Board Meeting

Attached please find the March 11, 2021 Oklahoma Funeral Board agenda, previous meeting drafted minutes, and other supporting documents regarding the meeting. If you have any questions or if you cannot attend next week's meeting please contact me.

Chris Ferguson
Executive Director
Oklahoma Funeral Board

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

NOTICE OF REGULAR MEETING

MEETING PLACE: **Videoconference at**

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

We ask that only the Respondents in a complaint 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.

Pursuant to Executive Order 2020-20 7th Amended version, commencing November 17, 2020, all Funeral Board Members, Funeral Board Staff, and visitors who wish to attend the Funeral Board's monthly Board meetings must wear a facial covering or mask over the mouth and nose at all times.

DATE & TIME: March 11, 2021 10:00AM

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 March 5, 2021 at 11:30AM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

A virtual videoconference special Board meeting of the Oklahoma Funeral Board will be held on March 11, 2021 at 10:00 a.m. in accordance with the Administrative Procedures Act, and the Open Meeting Act as amended by SB1031. Appearing remotely via videoconference for the meeting will be Board members; Tom Coble, J. Cooper, Chad Vice. Appearing in person for the meeting will be Board members, Joe Highberger, Brent Matherly, and Jim Roberts, and Board staff of AAG Amanda Everett, Chris Ferguson, AAG Thomas Grossnicklaus, AAG Thomas Schneider, Karol Shepherd, and Tyler Stiles.

If attending via videoconference or via telephone Continuing Education credit will not be provided for this meeting. If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to info@funeral.ok.gov.

*** This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

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

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. Approval of the February 18, 2021 Special Board meeting minutes

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

21-29- Not Paying Vendor Issues

21-33- FTC Issues/FDIC not within 60 Miles

21-39- Death Certificate Issues

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

A. Apprenticeship (Original)

1. Troy D. Wells, Sand Springs, Dillon FS, Sand Springs
2. Leah Calaway, Ada, Estes-Phillips FH, Ada
3. Peri Moore, Norman, Tribute Memorial Care, Norman
4. Lewis Robinson III, Guthrie, Pollard FH, Guthrie
5. Michael Turner, Blair, Kincannon FH, Altus

B. Apprenticeship (2nd extension)

1. Tammy Marshall, Cordell, Ray and Martha's FH, Cordell (enrolled at Dallas)

C. Apprenticeship (2nd extension)

1. Nathan Rice, Pryor, Rice FS, Claremore (enrolled at UCO)

D. Apprenticeship (3rd extension)

1. Daniel Collier, Claremore, Rice FS, Claremore (enrolled at North Texas)

E. Apprenticeship (FD only) (Original)

1. Kari Harrell, Sallisaw, Forever Memories FS, Sallisaw
2. Alan Hedden, Tulsa, Butler-Stumpff & Dyer FH, Tulsa (Grad of Dallas)

F. Apprenticeship (FD only) (1st extension)

1. Kimberly Clark, Tishomingo, DeArman-Clark FH, Tishomingo (enrolled at Dallas)

G. Funeral Director and/or Embalmer (Reciprocal)

1. Chester Beavers, Texas (FD only)
2. Joseph Campbell, Missouri

H. Funeral Director and/or Embalmer (Original)

1. Robert L. Stevens, Wheatland (FD only)
2. Patricia Gonzalez-Carter, Macomb
3. Lea Mikala, Shawnee
4. Staci Hartwell-Helm, Ardmore

I. Establishments

1. Neptune Society, Edmond, New Establishment, Neptune Management Corp., Owner; Angela Bynum, FDIC
2. Bixby FS, Bixby, request to change name from Bixby FS to Bixby-South Tulsa Funeral Service and Crematory

6. 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.

7. Legal Update

- A. 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
- B. Vote to exit executive session.
- C. Possible vote on matters discussed in executive session.
- D. 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.
- E. Vote to exit executive session.
- F. Possible vote on matters discussed in executive session.

8. Review, discussion by the Board members, and possible action regarding the proposed permanent Oklahoma Funeral Board Rules.

9. Administrative Assistant Report

- A. Thentia Computer Software Project Update

10. Deputy Director's Report

- A. 2021 Legislative Update; HB1638; HB1742; HB2009; HB2072; HB2528; SB301, SB354, and SB970

11. Executive Director's Report

- A. Agency Financial update

12. Adjournment

Chris Ferguson
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: **April 8, 2021.**
Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street Conference Room –
1st Floor Oklahoma City, OK 73105.



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 Eisenhour FH, Del City, request to change the FDIC from Tina Tipps to Jeremy Sparks; Bill Eisenhour 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

DRAFT

-Questions for Neptune-

Which door will decedents be brought into the funeral home? **None, we will not embalm or have bodies on the premises.**

Which room will visitations of decedents take place? (Visitations are not allowed in the selection room.) **None, any visitation services will be held at an affiliate location. We have an item on our GPL that states "Use of Facility and staff for a Memorial Service at a Designated Funeral Location Partner". The location we will use for these services is either Memorial Park Funeral Home or Baggerley Funeral Home. Both locations are within 2 miles of our location.**

Will the hallway accommodate a full size casket and be able to take into the visitation room? **The hallway and visitation room can accommodate a full-size casket, however there will be no visitations on the premises.**

What establishment will cremate Neptune's decedents? **Bill Eisenhour Crematory**

What establishment will embalm Neptune's decedents? **Bill Eisenhour Crematory**

Will Neptune conduct their own removals of decedents? **Bill Eisenhour Crematory will be responsible for removals in the OKC metro area. Should a death occur outside of this area, we will subcontract with another funeral home or mortuary service.**

How many licensed funeral directors and licensed embalmers will be employed at Neptune? **Initially, one licensed FD and EMB.**

Will the sales manager be a licensed Funeral Director or Embalmer? **No.**

Who will be communicating with consumers that make arrangements online instead of in person? **Office staff (Funeral Director in Charge, Sales Manager, Office Coordinator).**

How many preneed only counselors will be employed at Neptune? Will these employees be in contact with at-need families? **2-3, they will be responsible for pre-arrangements only.**

Is this the only Neptune funeral home/pre-need office? **Yes, in Oklahoma.**

Why has Neptune not rezoned at this time? **We received an E2 zoning designation and a Certificate of Occupancy zoned E2 by the City of Edmond for the specific street address or location, which conform to local zoning ordinances for a funeral establishment at that location, as further evidenced by the City of Edmond's Planning Department Director, Randy Entz's, email to Mark Stonecipher dated January 25, 2021, which is a part of and incorporated within Neptune Society's January 25, 2021 License Application for an Oklahoma Funeral Establishment. Accordingly, Neptune Society is in compliance with the fixed place requirement pursuant to 235:10-3-2(2) of the Rules of the Oklahoma Funeral Board.**

Why has Neptune not requested to be rezoned at this time? **It is unnecessary for the reasons stated above.**

What would the literature from the funeral home reflect? Neptune Cremation Society, Neptune Society, or are you creating all new literature for this establishment - **Neptune Society**

What if a family comes into the funeral home to make at-need arrangements while there is a visitation, where will the at-need family meet? **We will not have visitations on the premises.**

If more than one family comes in to make arrangements at the same time, where will both families be to make those arrangements? **We will schedule appointments according to staff availability.**

How is Neptune's ownership structured? During the February 2021 meeting Service Corporation International (SCI) was mentioned although none of the paperwork submitted to OFB reflects SCI **Neptune Management Corp is a subsidiary of SCI.**



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MEMORANDUM

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TO: MEMBERS
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Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

BOARD STAFF

Amanda Everett, AAG
Thomas Grossnicklaus, AAG
Thomas Schneider, AAG
Chris Ferguson
Karol Shepherd

From: Tyler Stiles

RE: March 11, 2021 Regular Board Meeting

Here is a brief summary of legislation that we are tracking at this time that could impact the funeral industry.

- HB1638 Rep. Lepak- Related to Death Certificates. Felony to knowingly provide false data or misrepresent any person's relationship to the decedent.
- HB1742 Rep. Dills- Funeral Board Bill-Related to Alkaline Hydrolysis
- HB2009 Rep. Townley- Related to advance practice registered nurses signing DC's.
- HB2072 Rep. McCall- Related to a temporary funeral director and embalm license.
- HB2528 Rep. Kannady- Funeral Service Licensing Act shell bill.
- SB301 Sen. Bergstrom- Related to recommendations to the legislature for the need for out of state permits from the Medical Examiner's Office.
- 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.

SB970 Sen. Floyd- Related to Open Records Act- redacting personal identifiers on licensing applications.

If you have any questions, you may call my OFB cell number at:
405.550.3099



Tyler Stiles, MBA
Deputy Director
Oklahoma Funeral Board

