

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

NOTES 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.

All Funeral Board Members, Funeral Board Staff, and visitors who wish to attend the Funeral Board's monthly Board meetings are encouraged to wear a facial covering or mask over the mouth and nose at all times.

DATE & TIME: May 13, 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 May 7, 2021 at 1:10PM. 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 was held on May 13, 2021 at 10:00 a.m. in accordance with the Administrative Procedures Act, and the Open Meeting Act as amended by SB1031. Appearing in person for the meeting were Board members, Tom Coble, J. Cooper, Joe Highberger, Brent Matherly, Jim Roberts, Chad Vice and Board staff of AAG Amanda Everett, Chris Ferguson, AAG Thomas Grossnicklaus, AAG Thomas Schneider, 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-Members Coble, Cooper, Highberger, Matherly, and Vice attended. Roberts did not attend.

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 March 11, 2021 Regular Board meeting minutes-Approved

4. Approval of the April 8, 2021 Regular Board meeting minutes-Approved

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

21-20- Vendor Issues-Dismissed with a letter of concern

21-22- Not Refrigerating Body-Dismissed

21-24- Missing Jewelry-Dismissed

21-40- Casket Issues-Dismissed

6. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and

iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

6A. Complaint 20-25 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused. A

Consent Order for Complaint 20-25 was combined with a Consent Order for Complaint 21-14.

6B. Complaint 21-14 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused. The

Board accepted a consent order on this case combined with Complaint 20-25. The consent order consisted of the following: The agreed violations were: failure to comply with the Funeral Rules of the Federal Trade Commission, material misrepresentation, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$5,000 shall be paid on or before June 10, 2021, Forever Memories Funeral Service is placed on Probation for 2 years and shall report monthly with copies of each Statement of Goods and Services for all deaths commencing May 13, 2021, David Hampton shall complete 12 hours of additional Continuing Education related to Statements of Goods and Services and Price Lists with 6 of those

hours being completed in person,
Costs of \$2,275. The penalty and
costs shall be paid on or before
June 10, 2021.

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

**A. Apprenticeship (Original) Numbers 1 through 4 and 6 and 7 were
approved. Number 5 was tabled.**

1. Hilda M. Rubio, Moore, OMS, OKC (EM only)
2. Elvis Keel, Elgin, Comanche Nation FH, Lawton
3. Taigen White, Sulphur, Dearman FH, Tishomingo
4. Carrie Davis, Owasso, Moore FH, Tulsa
5. Michael Mosier, OKC, Matthews FH, Edmond
6. Kaylin Carlton, Norman, Primrose FH, Norman
7. Jasmine Hatton, Ada, Estes-Phillips FH, Ada

B. Apprenticeship (1st extension) All approved

1. Morghane Gonzalez, Stillwater, Smith & Kernke, OKC & OMS,
OKC (enrolled at UCO)
2. Amberlyn Campbell, Chandler, Parks Bros. Prague
(enrolled at UCO)
3. Darian Foor, OKC, John M. Ireland FH, Moore (enrolled at UCO)
4. Breanne Strawn, Piedmont, Ingram, Smith & Turner, Yukon
(enrolled at UCO)

C. Apprenticeship (2nd extension) Approved

1. Nicole Winters, Okmulgee, McClendon-Winters FH,
(EM only) (Grad of Dallas)

D. Apprenticeship (3rd extension)-**Tabled**

1. Ashley Oliver, Hugo Prater-Lampton-Mills FH, Hugo

E. Apprenticeship (FD only) (Original) **All Approved**

1. Jared Johnson II, Wagoner, Shipman FH, Wagoner
2. Heidi Mullings, Glenpool, Schaudt's FS, Glenpool
3. Sherry Gray, Wilson, Alexander Gray FH, Wilson

F. Funeral Director and/or Embalmer (Reciprocal) **All tabled**

1. Joseph Campbell, Missouri
2. Wilburn Lawson, Texas
3. Roger Allen, Texas
4. Jason Arnold, Washington

G. Funeral Director and/or Embalmer (Original)-**Numbers 1, 2, and 4 approved. Number 3 was denied.**

1. Nicole Winters, Okmulgee (FD only)
2. Staci Hartwell-Helm, Ardmore
3. Christopher Gann, Broken Bow (FD Only)
4. Emma Stratton, Edmond

H. Establishments **All Approved**

1. Walker Funeral Service, Shawnee, request to close establishment.
2. Walker Funeral & Cremation Service, Shawnee, New Establishment, Transitional Services, LLC, Owner; Mark Riley, FDIC.
3. AE Funeral Service, LLC Shawnee, New Establishment, AE Funeral Services, LLC, Owner; Donald Todd Tramel,

FDIC.

4. Stephens-Key Funeral & CC, Pryor, request to change FDIC from TJ Holt to Clarissa Yates

9. **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. **No new business**

10. 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-**No Action**
 - B. Vote to exit executive session.
 - C. Possible vote on matters discussed in executive session.
11. **Discussion and possible action regarding delegating authority to the Executive Director to extend the timeframe for any in-person continuing education requirement regarding previously executed Consent Orders-**The Board granted the Executive Director the authority to extend any physical presence continuing education requirements that might have been due by December 31, 2020 or July 31, 2021, contingent upon the licensee previously making a diligent effort to complete the continuing education.

12. Deputy Director's Report

- A. 2021 Legislative Update; HB1638; HB1742; HB2009; HB2072; and SB354. **Mr. Stiles updated the Board that board staff are currently tracking the following Bills: 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. This was signed by the Governor and will be effective Nov. 1, 2021.

HB1742 Rep. Dills- Funeral Board Bill-Related to Alkaline Hydrolysis. This was signed by the Governor and will be effective Nov. 1, 2021.

HB2009 Rep. Townley- Related to advance practice registered nurses signing DC's. This was signed by the Governor and will be effective Nov. 1, 2021.

HB2072 Rep. McCall- Related to a temporary funeral director and embalm license. This was signed by the Governor and is now effective.

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. This Bill did not make it to the House floor and is Dormant per Rules.

13. Executive Director's Report

- A. Agency Financial update Mr. Ferguson reported gross receipts for April 2021 to be \$8,819.00 with \$476.90 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$38,760.84 and net income after expenses totaled -\$30,418.74.
- B. Thentia Computer Software Project Update-Mr. Ferguson updated the Board regarding the computer project with Thentia and the implantation planned for later this year. He also reported that the agency was recently approved by the GTARB board for payment processing fees.
- C. International Conference of Funeral Service Examining Board Update-The Conference updated the policy regarding the National Board and State Board exams retake timeframe. The applicants now have a thirty-day

waiting period between exams if the previous exam was a failed result.

14. Adjournment- 10:22AM

Chris Ferguson
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: **June 10, 2021. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street Conference Room – 1st Floor Oklahoma City, OK 73105.**