OKLAHOMA
Funeral Board

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

MEMORANDUM & BOARD PACKET

September 3, 2021

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

BOARD STAFF
Ron DeWitt
Thomas Grossnicklaus, AAG
Rochelle Robinson
Thomas Schneider, AAG
Marie Schuble, AAG

FR: Tyler Stiles

RE: September 9, 2021 Regular Board Meeting

Please find the attached September 9, 2021 Oklahoma Funeral Board agenda and the drafted August 12, 2021 meeting minutes. If you have any questions or if you cannot attend next week's meeting please contact me.

Tyler Stiles, MBA
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.

DATE & TIME: September 9, 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 September 3, 2021 at 12:30PM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

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 August 12, 2021 Regular Board meeting minutes

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

   22-01- Body Intake Log Issues

   22-02- Next of Kin Issues

5. 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.

   5A. Complaint 21-50 Lawson's Funeral Homes & Cremation Services, Establishment, Grove; Lawson's Funeral Homes & Cremation Services, LLC, Owner, Grove; Shaunda Lawson, FDIC, Jay. Member Cooper needs to be recused.

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

   A. Apprenticeship (Original)

1. Nicholas Holdeman, Ames, Lanman FH, Helena
2. Lawanda Colbert, MWC, Rolfe, OKC
3. Thomas Applegate, Wagoner, Mallet FH, Wagoner
4. Brandon Plowman, Edmond, OMS, OKC (EM only)
5. Jared Williams, Stratford, DeArman, Stratford
6. Jeffery Wright, Spencer, McKay Davis Tate, OKC

B. Apprenticeship (1st extension)

1. Mylei Saysana, Edmond, Smith & Kernke, OKC
2. Brighton Potter, Tulsa, Gary Kelley Add'vantange Funeral and Cremation, Tulsa
3. Emily Vickery, Arapaho, Ingram, Smith & Turner, Yukon

C. Apprenticeship (2nd extension)

1. Mercedes Castro, Del City, Yanda & Son, Yukon
2. Monica Lam, Shawnee, Smith-Parks F.S., Harrah
3. Disney Cain, Wilburton, Bishop F.S. and Crematory, McAlester
4. Tyler Harrell, Sallisaw, Forever Memories, Sallisaw

D. Apprenticeship (4th extension)

1. Melvin Blagg, Durant, Brown's F.S., Durant

E. Apprenticeship (FD only) (Original)

1. Becky Shupe, Tonkawa, Trout FH, Ponca City
2. Sammy Jones, Shawnee, AE Funeral Services, Shawnee

F. Funeral Director and/or Embalmer (Reciprocal)

1. Martha Aponte-Hittle, Kansas

2. Kendra Soley, Mississippi

G. Funeral Director and/or Embalmer (Original)

1. Melanie Holcomb, Newkirk

2. Hollis Griffin, Jr., Sapulpa

3. Cade Harkins, Wilburton

4. Lada Feldman, OKC

5. Darian Foor, OKC

6. Christopher Gann, Broken Bow (FD Only)

7. Matthew Witten, Purcell

H. Establishments

1. Heath Griffith FH, Tulsa, request to close establishment.

2. Oklahoma Mortuary Trade Service, OKC request to change FDIC from Toni Blake to John Astle.

3. Mason FH, Shattuck, requests to change FDIC from Clarence Rogers to Scotty Schilling.

4. Brumley Funeral Home, Broken Bow, request to close establishment.

5. Bowser Family Funeral Home, Broken Bow, New Establishment, Bowser Brumley Funeral Home, LLC, David Bowser FDIC.

6. Luginbuel FH, Vinita, requests FDIC change from Alan Cowley to Joseph Faulkner.

7. Luginbuel South Grand Lake FH, Langley request FDIC change from Alan Cowley to Joseph Faulkner.

8. Rice F.S., Claremore, request FDIC change from Jackie Shurden to Cynthia Ross.

9. Smith FH, Sapulpa, request FDIC change from Cynthia Ross to Deena Nickerson.

10. McElyea & Owens Funeral Group, LLC, Shawnee, New Establishment, McElyea & Owens Funeral Group, LLC, Owner, Michael McElyea, FDIC.

I. Crematory

1. Oklahoma Mortuary Trade Service, OKC, request FDIC change from Toni Blake to John Astle.

2. Green Country Cremation Center, Sapulpa, request FDIC change from Cynthia Ross to Deena Nickerson.

7. 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.

8. Executive Director's Report

A. Agency Financial update

B. Introduction of Shayne Melton, the new Investigator

9. Review by the Attorney General's Office regarding the Open Records Act, and the Open Meeting Act.

10. Adjournment

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Tyler Stiles, MBA

Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: October 14, 2021. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street Conference Room – 1st Floor Oklahoma City, OK 73105.

MINUTES OF A REGULAR MEETING

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

August 12, 2021

BOARD MEMBERS	STAFF
Tom Coble	Thomas Grossnicklaus, AAG
J. Cooper	Rochelle Robinson
Joe Highberger	Marie Schuble, AAG
Brent Matherly	Tyler Stiles
Jim Roberts	
Mike Sanders	
Chad Vice	

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 August 9, 2021 at 12:30pm

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 Highberger, Matherly, Roberts, and Sanders were present. Members Coble, Cooper, and Vice were absent. A quorum was always 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 Sanders to approve the July 8, 2021 Regular Board meeting minutes. The motion passed unanimously.

Dustin Pierce provided an update of OKFDA. OKFDA has been completing its audit and anticipates it to be finalized soon. OKFDA is preparing for district meetings and those dates will be sent out soon.

Motion by Roberts second by Highberger to find probable cause on complaint 21-49 regarding advertising issues. The motion passed unanimously.

Motion by Highberger second by Roberts to find probable cause on complaint 21-50 regarding transport permit issues. The motion passed unanimously.

Motion by Highberger second by Roberts to find probable cause on complaint 21-51 regarding body intake log issues. The motion passed unanimously.

Motion by Highberger second by Matherly to find probable cause on complaint 21-54 regarding body intake log issues and no prices on caskets. The motion passed unanimously.

Motion by Highberger second by Sanders to dismiss complaint 21-56 regarding death certificate issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 21-48 Rolfe Funeral Home, Inc., Establishment, OKC; Rolfe Funeral Home, Inc., Owner, OKC; Jimmie Boldien, Jr. FDIC, OKC. Respondent Jimmie Boldien, Jr. was present via video and audio and represented by attorney Kwame Mumina also present via video and audio. The prosecution was represented by Marie Schuble, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Highberger, Matherly, Roberts and Sanders heard the

case. Member Vice was recused from the case and he was not present at the meeting.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Highberger 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 $250 and Costs of $250. Motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 21-52 DeArman-Clark Funeral Service, Establishment, Tishomingo; DeArman Properties, Inc., Owner, Sulphur; Chelsey Van Horn, FDIC, Tishomingo. Respondent Chelsey Van Horn was present via video and audio. The prosecution was represented by Marie Schuble, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Highberger, Matherly, Roberts and Sanders heard the case. Member Vice was recused from the case and he was not present at the meeting.

After the presentation of the agreed upon Consent Order, motion by Matherly 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 $250 and Costs of $250. Motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Kyra Huckabay, Mangum, Greer FH, Mangum; Hellen Yosef, OKC, Matthews FH, Edmond; Alyssa Mitchell, Bixby, Dillon FH, Sand Springs; Rulon Davis, Sr., Edmond, Resthaven FH, OKC; Haley Ireland, Moore, John M. Ireland & Son FH, Moore; Catharine Babb, Edmond, Ford FS, MWC; Cassidy Caron, Fletcher, OMS, OKC for EM only; Shelby Hathaway, OKC, Buchanan, OKC. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following for FD only: Apprenticeship (1st extension) Eddie Taylor, Sr., Tulsa, Jack's Memory Chapel, Tulsa. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (1st extension) Kaela Bratcher, Marlow, Whitt FH, Duncan;

Raylee Tarrant, OKC, Vondel L. Smith & Son, OKC. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Apprenticeship (1st extension) Jared Williams, Stratford, DeArman FH, Stratford. The motion passed unanimously.

Motion by Roberts second by Matherly to deny the following: Apprenticeship (1st extension) Justin Hartwell, Stillwater, Brown Dugger FH, Perry. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (2nd extension) Matthew Witten, Purcell, Wilson Little FH, Purcell. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Apprenticeship (4th extension) Melvin Blagg, Durant, Brown's FS, Durant. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (FD only) (Original) Sean DeNike, McAlester, Chaney Harkins FH, McAlester. The motion passed unanimously.

Motion by Roberts second by Matherly to deny the following: Funeral Director and/or Embalmer (Reciprocal) Joseph Campbell, Missouri. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Reciprocal) Wilburn Lawson, Texas; Christian Corl, Texas (FD Only). The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal) Martha Aponte-Hittle. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Rachel Fast, Mannford for EM only; Kelton Nance, Vici; Andrew Ousley, Edmond; Rebekah Crockett, Edmond; Carissa Eads, OKC. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Original) Hollis Griffin Jr., Sapulpa for FD only; Melanie Holcomb, Newkirk. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishments, Bill Eisenhour FH, OKC request to change FDIC from Jeremy Sparks to Megan Crouch; Bill Eisenhour FH, Del City request to change FDIC from Jeremy Sparks to Megan Crouch; County Cremation Service, Ponca City, New Establishment, DMI Management, LLC, Owner, Douglas Phenix, FDIC; Primrose Funeral Services, Norman, request to change FDIC from Billy Robison to Roger Allen; Resthaven FH, Shawnee, request to change FDIC from Billy Robison to Roger Allen; Sunny Lane FH, Del City, request to change FDIC from Jeremy Sparks to Billy Robison; Crawford Family Funeral & Cremation Service, OKC request to change FDIC from Marcus Crawford to Kyle Borowicz; Bunch-Singleton FH, Broken Bow, request to change FDIC from Christopher Powers to Joshua Capuano; Ninde Funeral Directors, Inc.-Brookside Chapel, Tulsa, request to change name to Ninde Funeral Directors, Inc.-Mosaic Memorial; Memorial Park FH, OKC, request to change FDIC from Matthew Boydstun to Emma Stratton. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Crematories, Serenity Cremations, Antlers, New Crematory; Serenity Funeral Service, LLC, Owner, Terry Burch, FDIC, Antlers; Edmond Cremation Center, OKC, request to change FDIC from Marcus Crawford to Kyle Borowicz. The motion passed unanimously.

Matters for consideration: Motion to reopen, rehear, or reconsider a closed Case: Complaint 17-11 Criswell Funeral Home, Establishment, Ada; Criswell Funeral Home, Inc., Owner, Ada; Joe Don Harrison, Funeral Director, Ada; Tom Criswell, FDIC, Ada. The respondents' attorney Andy Walding was present. The prosecution was represented by Marie Schuble, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Matherly, Roberts and Sanders heard the case. Highberger recused and left the room.

After presentation by both parties, motion by Roberts second by Sanders to enter into executive session pursuant to 25 O.S. 2011, Section 307 (B) (8) engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act. The motion passed unanimously.

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

Motion by Matherly second by Sanders to deny the Motion to reopen, rehear, or reconsider a closed case. The motion passed unanimously.

Highberger reentered the room.

No New Business was discussed

Executive Director's Report- Agency Financial update- Mr. Stiles reported gross receipts for July 2021 to be $10,308.00 with $775.80 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled $35,644.24 and net income after expenses totaled -$26,112.04.

Continuing education rule change update- Mr. Stiles reported that the rules regarding CE change from 1 in-person hour to 2 in-person hours was approved and goes into effect September 11, 2021.

Thentia Computer Software Project Update- Mr. Stiles updated the Board regarding the computer project with Thentia and the implantation planned for the middle of September 2021.

Review by the Attorney General's Office regarding the Open Records Act, the Open Meeting Act, and State Ethics Rules was tabled.

Motion by Roberts second by Matherly to elect Highberger as Board President. Motion passed unanimously.

Motion by Highberger second by Matherly to elect Roberts as Board Vice-President. Motion passed unanimously.

Motion by Highberger second by Sanders to approve the meeting dates for calendar year 2022 as the second Thursday of each month meeting dates to be held at the Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105. Motion passed unanimously.

Motion by Roberts second by Sanders to adopt updated office policies and procedures for the Oklahoma Funeral Board. Motion passed unanimously.

Motion by Highberger second by Matherly to approve continuing education for tours of the Medical Examiner's Office in 2021. There will be 2 tours (1 hour long each) of the OKC ME's office and licensees are eligible for 1 hour of in-person CE when they attend. The dates are September 22nd, 2021 at 3:30 PM and September 30th at 3:30 PM. You may only attend one tour for CE. Motion passed unanimously.

Motion by Highberger second by Sanders to appoint Executive Director Tyler Stiles to the Board of Medicolegal Investigations. The motion passed unanimously.

Following discussion by the Board and the public present and via video, there was no action taken regarding Proposed Rule or Statute changes for next Legislative Session pertaining to the following: FD Only additional hours requirement; FD Assistant License.

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

_____

Joe Highberger
Oklahoma Funeral Board President

DRAFT

BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA

IN THE MATTER OF THE COMPLAINT AGAINST:

LAWSON'S FUNERAL HOMES & CREMATION SERVICES
A Licensed Funeral Establishment,
Establishment License # 1865ES
722 N. 46th St.
Grove, OK 74344

owned by:
LAWSON'S FUNERAL HOMES & CREMATION SERVICES, LLC.
722 N. 46th St.
Grove, OK 74344

SHAUNDA LAWSON
Licenses: 3370FD and 3735EM,
Address: 807 N. 1ST St.
Jay, OK 74346
A Licensed Funeral Director and Embalmer and the Funeral Director in Charge at

LAWSON'S FUNERAL HOMES & CREMATION SERVICES,

Respondents.

Complaint No. 21-50

RECEIVED
AUG 18 2021
OKLAHOMA FUNERAL BOARD

COMPLAINT AND NOTICE OF HEARING

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Marie Schuble, and alleges that the Respondents, an Establishment and a Funeral Director in Charge, duly licensed by the Board have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 et seq, (the "Act'), and Rules of the Board, Oklahoma Administrative Code ("OAC") Section 235:10-1-1 et seq, (the "Rules"), in the manner set forth below:

FACTUAL ALLEGATIONS

1. Respondent LAWSON'S FUNERAL HOMES & CREMATION SERVICES, ("Funeral Home"), with establishment license number 1865ES, located at 722 N. 46th St., Grove, OK 74344, was at all relevant times owned by LAWSON'S FUNERAL HOMES & CREMATION SERVICES, LLC., 722 N. 46th St., Grove, OK 74344, and as such, LAWSON'S FUNERAL HOMES & CREMATION SERVICES, is liable and responsible for any penalty imposed in these proceedings.

2. Respondent SHAUNDA LAWSON is a licensed Funeral Director and Embalmer with license numbers 3370FD and 3735EM, and was the Funeral Director in Charge ("FDIC") of Funeral Home at the time of the conduct giving rise to this complaint, and as the FDIC was responsible for the establishment's legal and ethical operation pursuant to 59 O.S. § 396.2(12).

3. On or about June 17, 2021, the Tulsa Medical Examiner's Office submitted a written complaint stating that Respondent applied for a transfer permit to cross state lines on the same day as the service for burial was to take place across state lines in Arkansas. The Medical Examiner doctor requested an investigation of the remains, which could not be completed because it was learned the burial had already taken place out-of-state. The Establishment was provided with a copy of the complaint.

4. Notice of the complaint was subsequently provided to the Respondents by letter dated June 21, 2021. On July 6, 2021, the Respondents filed with the Board their response to Complaint 21-50, stating as follows:

   a. Respondents admitted the transport permit was not applied for in a timely manner due to an oversight that the burial was located in Maysville, Arkansas rather than Maysville,

Oklahoma. Respondent stated that normally she would have put in the request the day after being notified of the death, which would have been June 7, 2021. The family made the arrangements on June 8, 2021. Respondent realized the mistake of location being Arkansas and not Oklahoma the morning of the funeral service (June 11, 2021) and immediately applied for the transport permit at 10:32 am.

5. This matter was presented to the Board on August 12, 2021, for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

6. The prosecution has sufficient evidence which if presented to the Board at an evidentiary hearing would constitute clear and convincing evidence of the violations alleged.

ALLEGED CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondents pursuant to 59 O.S. § 396.2a(9) and (11).

2. The statutory list of relevant violations for which the Board may suspend or revoke a license is found at 59 O.S. § 396.12c, which provides:

> After notice and hearing pursuant to Article II of the Administrative Procedures Act, the Oklahoma Funeral Board may refuse to issue or renew, or may revoke or suspend, any license or registration for any one or combination of the following:
>
> > 5. Violation of any of the provisions of the Funeral Services Licensing Act or any violation of Sections 201 through 231 of Title 8 of the Oklahoma Statutes;
> >
> > 13. Failing to obtain other necessary permits as required by law in a timely manner;

3. Respondents violated 59 O.S. Section 396.12c(5) and (13) when they violated 63 O.S. § 948.1(A)(5) by failing to obtain an out-of-state transport permit in a timely manner. 63 O.S. § 948.1(A)(5) provides:

(5) An out-of-state transport permit and cremation permit shall both be required for bodies containing body parts sent out of state or out of country, while remaining body parts remain unused.

4. As the Funeral Director in Charge at the times in question, SHAUNDA LAWSON is responsible for the legal and ethical operation of LAWSON'S FUNERAL HOMES & CREMATION SERVICES and is accountable to the Board under 59 O.S. § 396.2(12).

> 59 O.S. § 396.12(C). "Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge."
>
> 59 O.S. § 396.2(12). The "'Funeral director in charge' means an individual licensed as a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board."

5. Respondents LAWSON'S FUNERAL HOMES & CREMATION SERVICES, and SHAUNDA LAWSON are subject to disciplinary action by the Board pursuant to 59 O.S. §§ 396.2a(9), 396.12c(5), 396.12c(8), 396.12d and 396.12e. The violation of any Board rule or of a provision of the Funeral Services Licensing Act subjects to discipline the respective Respondents who violated it. 59 O.S. §§ 396.12(c)(5)(violation of statute) and (13)(failure to obtain permits).

POTENTIAL PENALTIES THE BOARD MAY IMPOSE

1. The Board may impose a variety of penalties for violation of the Act or of Board Rules, including: (1) denial, revocation, suspension or nonrenewal of license; (2) imposition of administrative fines; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c, 396.12d and 396.12e.

2. Potential administrative penalties identified in 59 O.S. § 396.12e are:

> A. Any person or entity who has been determined by the Oklahoma Funeral Board to have violated any provision of the Funeral Services Licensing Act or any rule or order issued pursuant thereto may be liable for an administrative penalty. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations.

B. The Board shall be authorized, at its discretion, to take action as the nature of the violation requires. The Board shall have the authority to impose on the licensee, or certificate holder, as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation. The costs may include but are not limited to staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

C. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act. The Board shall make a report of any action to any entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to any civil liability action taken as a result of the discipline imposed by the Board. All monies collected from the administrative penalties shall be deposited with the State Treasurer and by the State Treasurer placed in the "Fund of the Oklahoma Funeral Board ", created pursuant to Section 17 of this act.

D. Any license or certificate of apprenticeship holder may elect to surrender the license or certificate of apprenticeship of the person in lieu of said penalty but shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.

NOTICE OF HEARING

In accordance with the jurisdiction granted this tribunal in 59 O.S. §§ 396.2a(7) & (9), 396.12c, 396.12d and 396.12e **a joint proposed Consent Order** may be presented at the Board meeting on: **THURSDAY, SEPTEMBER 9, 2021, at 10:00 A.M..**

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.

If no Consent Order is presented or approved by the Board on September 9, 2021, then an **EVIDENTARY HEARING** will be held at the same meeting on: **THURSDAY, SEPTEMBER**

9, 2021, at 10:00 A.M.

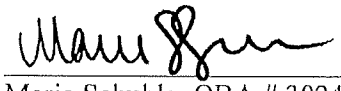
If it be the decision of the Board, after considering all of the evidence presented, that a Respondent is in violation of any of the above-referenced law, the Board may take whatever appropriate action that is provided for in its rules and statutes. The Respondents are advised that in accordance with the above-referenced legal authority that they have the right to appear personally, the right and obligation to submit a written response, and the right to appear through an attorney. In addition, the Respondents have the right to cross-examine witnesses and present evidence on their own behalf.

However, if a Respondent is not a person but is instead an entity such as a corporation or an LLC, although the corporation or LLC may by law enter into a consent order without an attorney, if an evidentiary hearing is required the Respondent corporation or LLC by law may only cross-examine witnesses, present evidence and/or defend itself at the hearing if it is represented by an attorney licensed in the State of Oklahoma. *See Redcorn, Jr., v. Knox*, 2014 OK CIV APP 109, 345 P.3d 392 (an agreed order is in the nature of a contract by which a corporation is bound even if not represented by an attorney); *Massongill v McDevitt*, 1989 OK CIV APP 82, 828 P.2d 438 (although a person may appear at a hearing and represent himself/herself without an attorney, a person is not able to appear on behalf of a corporation, regardless of the person's interest in the corporation or authorization by the corporation, unless the person is a licensed attorney). If a Respondent corporation or LLC chooses not to retain an attorney, although it may not under such circumstances present evidence on its own behalf, the Board might consider favorable (or unfavorable) evidence submitted by co-Respondents or the State when considering the violations alleged against the Respondent corporation or LLC. *See Enochs v. Martin*, 1997 OK 132, 954 P.2d 124 (even though a corporation had no attorney and

was therefore in default, the court could in the absence of any objection at the hearing consider in the corporation's favor evidence offered in the case in joint defense by one of the other named parties).

Therefore, the Respondents are directed to appear at said hearing on said date and time. If a Respondent does not appear in person or through an attorney, the hearing will be held in its absence. **Note: OAC Section 235:10-7-2(21) requires that each Respondent must submit to the Board a response to this Complaint within ten (10) days of receipt of the Complaint.**

Respectfully submitted:



Marie Schuble, OBA # 30247
Assistant Attorney General
Office of the Oklahoma Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2021, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

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