

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

NOTICE OF REGULAR MEETING

MEETING PLACE: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street
Conference Room 1st Floor Oklahoma City, OK 73105.

DATE & TIME: July 13, 2023 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 July 10, 2023 at 10:00AM. A copy of this agenda is available on the Funeral Board website at www.oklahoma.gov/funeral

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. Swearing in and oath of office for newly appointed Board Member
John Davenport of Norman
3. Approval of the June 8, 2023 Regular Board meeting minutes
4. Oklahoma Funeral Director Association Update from a Representative of OKFDA, with possible discussion
5. Oklahoma Insurance Department Update from a Representative of OID, with possible discussion
6. Review complaints with possible vote for probable cause or other action

23-16 Vendor Payment Issues

23-52 Body Intake Log Issues

23-53 Preneed Benefit Issues

23-55 Death Certificate Issues

23-57 Preneed Benefit Issues

23-58 Body Intake Log Issues

23-59 Preneed Benefit Issues

23-60 Unlicensed Practice

23-62 Unlicensed Practice

23-64 Vendor Payment Issues

23-65 Vendor Payment Issues

23-67 Body Intake Log Issues

23-68 Crematory Log Issues

7. Matters for consideration: Motion to Enforce Consent Order, Order Regarding Motion to Enforce, 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.

7A. Complaint 22-15 Brown's Durant Funeral Service & Crematory, Durant, Michael Overton, Durant, FDIC. Member Matherly needs to be recused.

8. 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.

8A. Complaint 23-54 Hartwell Funeral Home, Tishomingo, Staci Hartwell-Helm, Tishomingo, FDIC, Grove & Hartwell Inc, Tishomingo, Owner. Member Highberger needs to be recused.

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

A. Apprenticeship (Original)

- 1. Rodd Wood, Shawnee, McElyea and Owens, Shawnee
- 2. John Rainey, Idabel, Nunley's FH, Idabel(FD Only)

3. Kari Norberto, Lawton, Comanche Nation FH, Lawton
4. Tyler Robbins, Bartlesville, Davis Family FH, Bartlesville
5. Madelyn Gray, Kremlin, Anderson-Burris FH, Enid

B. Apprenticeship (1st extension)

1. Theodore Jones, Chelsea, DeLozier FS, Chelsea
2. Tara Cook, Tulsa, Dillon FS, Tulsa
3. Carson Garrett, Fort Gibson, Clifford D Garrett FH, Muskogee
4. Camryn Garrett, Muskogee, Clifford D Garrett FH, Muskogee
5. Alycia Rispoli, Tulsa, Green Hill FH, Sapulpa
6. Abby Jones, Norman, Primrose, Norman
7. Matthew Taylor, Bartlesville, Moore FH, Tulsa
8. Kaitlin Hawkins, Stilwell, Hart FH, Tahlequah

C. Apprenticeship (2nd extension)

1. Elvis Keel, Elgin, Whinery-Huddleston FS, Lawton
2. Heidi Mullings, Bixby, Schaudt FS, Tulsa (FD Only)

D. Funeral Director and/or Embalmer (Reciprocal)

1. Stuart Thompson, Texas
2. Timothy Plunk, Tennessee
3. Rodney Ford, Texas
4. Jason Dickinson, Tennessee

E. Funeral Director and/or Embalmer (Original)

1. Tyler Johnson, Commerce (FD Only)

2. Shelby Schrader, Broken Bow (FD Only)
3. Randy Brice, Muskogee (EM Only)
4. Katelin Love-Clements, Spencer (EM Only)
5. Jordyn Coulson, Stillwater

F. Establishments

1. Kester Family Funeral Service, LLC, Stilwell, New Establishment, Kester Family Funeral Service, LLC, Owner, Brian Kester, Tahlequah, FDIC
2. Holt Funeral & Cremation, Poteau, New Establishment, Holt Funeral & Cremation, LLC, Poteau, Owner, Tracy Holt, Poteau, FDIC
3. Ray Fransisco Embalming Service, Tulsa, request to change FDIC from Ray Fransisco to Jimmy Beggs
4. Affordable Cremation Service, OKC, request to change FDIC from Lyndel Hamilton to Monica Kroier
5. Oklahoma Mortuary Trade Service, LLC, OKC, request to change FDIC from John Astle to Kylie Niedziela

G. Crematories

1. Cremations of the Wichitas, Lawton, New Crematory, Asbury Services, LLC, Geronimo, Owner, Jeremiah Asbury, Geronimo, FDIC
2. AE Cremation Services, Shawnee, New Crematory, AE Cremation Services LLC, Shawnee, Owner, Donald Tramel, Shawnee, FDIC
3. Ray Fransisco Embalming Service & Crematory, Tulsa, request to change FDIC from Ray Fransisco to Jimmy Beggs

10. 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.
11. Executive Director's Report
 - A. Agency Financial Update
12. Attorney General's office update: presentation and possible discussion on the Open Meeting Act, Open Records Act, and public Official Ethics
13. Election of Board President for FY24
14. Election of Board Vice-President for FY24
15. Adjournment

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:
August 10, 2023. 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

June 8, 2023

BOARD MEMBERS

Tom Coble
Darin Corbett
Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

STAFF

Rochelle Covington
Tyler Stiles
Dustin Watters
Kylie Cooper, AAG
Liz Stevens, AAG

MEETING PLACE: MEETING PLACE:

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.

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 June 5, 2023 at 10:00AM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

President Roberts called the meeting to order at 10:00AM. Members Corbett, Highberger, Matherly, Roberts, and Vice were present. Member Coble was absent. A quorum was always present

Motion by Highberger second by Corbett to approve the May 11, 2023 Regular Board meeting minutes. The motion passed unanimously with Mr. Roberts abstaining.

Dustin Pierce with OKFDA reported that the Mexican Consulate is now open in Oklahoma City. Their number is 405.603.6628. OKFDA hosted their summer retreat last week and discussed allowing for licensees to have 1 hour of use of an attorney. OKFDA and Funeral Board staff have been meeting with the Health Department regarding Death Certificates. OKFDA would like to remove the funeral director as the middleman during the Death Certificate filing process since the procedure is performed online.

OID reported that there is no update regarding converting trusts to insurance. If there are any questions regarding converting trusts, please contact ris@oid.ok.gov, Rowena Ehrman, 405.522.4628

Motion by Vice second by Roberts to dismiss complaint 23-44 regarding unsatisfactory service. The motion passed unanimously.

Motion by Vice second by Matherly to dismiss complaint 23-45 regarding Overcharging. The motion passed unanimously.

Motion by Vice second by Matherly to dismiss complaint 23-49 regarding Body Issues. The motion passed unanimously.

Motion by Vice second by Matherly to dismiss complaint 23-50 regarding Body Intake Log Issues with a letter of concern. The motion passed unanimously.

Motion by Vice second by Matherly to dismiss complaint 23-51 regarding Next of Kin Issues. The motion passed unanimously with member Corbett abstaining.

Motion by Vice second by Matherly to find probable cause on complaint 23-54 regarding Prepaid Funeral Benefits. The motion passed unanimously.

Motion by Vice second by Matherly to find probable cause on complaint 23-56 regarding Misleading Advertising. The motion passed unanimously.

Regarding the matters for consideration: Motion to Enforce Consent Order, Order Regarding Motion to Enforce, or Scheduling Order: Complaint 22-15 Brown's Durant Funeral Service & Crematory, Durant, Michael Overton, Durant, FDIC. Motion by Vice second by Matherly to table the Motion to Enforce. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-47 Sevier Funeral Home Tuttle, Establishment, Tuttle, Sevier Funeral Home, Inc, Owner, Austin Kile, FDIC, Chickasha. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Highberger, Matherly, Roberts, and Vice heard the case. Member Corbett was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Matherly second by Vice to accept the consent order. The consent order consisted of the following: The agreed violations were: failure to have a completed 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, Costs of \$250. The motion passed unanimously.

Member Corbett reentered the room.

Motion by Vice second by Highberger to approve the following: Apprenticeship (Original) Jamie Covington, Yukon, OK Cremation, OKC (FD Only); Robert Wood, Sallisaw, Forever Memories, Sallisaw; William Dickson, Sperry, Sien-Shelton FH, Skiatook; Natalie Santiago, Enid, Henninger-Hinson FH, Enid; Andi Bush, Antlers, Serenity FS, Antlers; Chelsea Evans, Broken Arrow, Floral Haven, Broken Arrow; Andrea Sills, OKC, OMS, OKC; Hannah Ryden, Owasso, Moore FH, Tulsa. The motion passed unanimously.

Motion by Vice second by Highberger to deny the following: Apprenticeship (1st Extension). Lorna Schofield, Stillwater, Green Country FH, Tahlequah. The motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Apprenticeship (1st Extension). Joshua Smith, Guthrie, Mercer-Adams, Bethany; Amy Ary, McLoud, Bill Eisenhour, OKC; Macie Herndon, OKC, OMS, OKC; Shaylee Murphree, Durant, Brown's FS, Durant. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (2nd Extension). Landis Thompson, Broken Arrow, Palmer Marler FH, Cushing. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (3rd Extension). Wacee Kerr, El Reno, Wilson FH, El Reno; Jonathan Riley, Enid, Ladusau-Evans FH, Enid. The motion passed unanimously.

Motion by Vice second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal), Stuart Thompson, Texas. The motion passed unanimously.

Motion by Vice second by Roberts to approve the following: Funeral Director and/or Embalmer (Reciprocal), Mark Mead, Texas. The motion passed unanimously.

Motion by Vice second by Roberts to table the following: Funeral Director and/or Embalmer (Reciprocal), Timothy Plunk, Tennessee. The motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Funeral Director and/or Embalmer (Reciprocal), Robert Williams, Florida. The motion passed unanimously.

Motion by Vice second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal), Rodney Ford, Texas. The motion passed unanimously.

Motion by Highberger second by Vice to approve the following: Funeral Director and/or Embalmer (Original) John Davis, Swink (FD Only); Jimmie Binford, Tulsa (FD Only); Troy Wells, Sand Springs (FD Only). The motion passed unanimously.

Motion by Vice second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Tyler Johnson, Commerce (FD Only). The motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Edward Eschiti, Walters (EM Only); Nickolas Zyzak, OKC. The motion passed unanimously.

Motion by Highberger second by Vice to approve the following: Establishments, Hart FH, Stilwell, request to change FDIC from John Keath to Robert Sheffield; Hart FH, Tahlequah, request to change FDIC from John Keath to Robert Sheffield; Tribute Memorial Care Southwest, Tuttle, request to close establishment; Tribute Memorial Care Southwest, Tuttle, New Establishment, Tribute Memorial Care Southwest LLC, Owner, John Davenport, FDIC. The motion passed unanimously.

There was no new business.

New Funeral Board Website Update -Rochelle Covington reported that the new Funeral Board website is now live 2 weeks ahead of schedule. We are still working on various hyperlinks but if there is a link that is not working, please let staff know.

Agency Financial update- Mr. Stiles reported gross receipts for May 2023 to be \$13,500.00 with \$950.00 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$38,601.75 and net income after expenses totaled -\$26,051.84.

Mr. Stiles provided the following update on legislation for 2023: SJR21 was combined into SJR22. SJR22 was passed and signed by the Governor. Staff will finalize all documentation to submit to the Secretary of State and anticipate the rule change will go into effect in mid-September.

Matters for consideration: Part-Time Inspector -Motion by Highberger second by Vice to enter executive session. The motion passed unanimously.

Motion by Highberger second by Vice to exit executive session. No other matters were discussed and no votes were taken in executive session. The motion passed unanimously.

Motion by Highberger second by Vice to increase the hourly pay for the Part-Time Inspector by \$3.00. The motion passed unanimously.

Matters for consideration: Executive Director -Motion by Highberger second by Vice to enter executive session. The motion passed unanimously.

Motion by Highberger second by Vice to exit executive session. No other matters were discussed and no votes were taken in executive session. The motion passed unanimously.

Motion by Vice second by Roberts to increase the salary for the Executive Director by \$9,500. The motion passed unanimously.

Motion by Highberger second by Roberts to adjourn the meeting at 11:04AM. The motion passed unanimously.

Jim Roberts
Oklahoma Funeral Board President

**BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT
AGAINST:**

MICHAEL D. OVERTON

Licenses: 3140FD and 3518EM

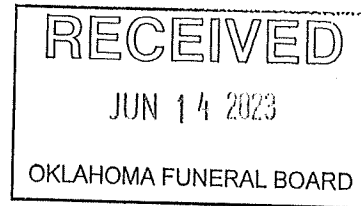
**Address: 1705 Smith St.
Durant, OK 74701**

**A Licensed Funeral Director and Embalmer,
And the Funeral Director in Charge at**

**BROWN'S DURANT FUNERAL SERVICE
& CREMATORY,**

Respondents.

Complaint No. 22-15



**MOTION TO ENFORCE COMPLIANCE WITH CONSENT ORDER AND
SECOND NOTICE OF HEARING**

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through its attorney of record, Kylie Cooper, Assistant Attorney General, and moves the Board to enforce the Respondents' compliance with the Consent Order previously granted and to suspend all of the Respondents' licenses until such time as the Respondents establish to the Board's satisfaction that they have completely complied. In support of this Motion, the State states:

1. A *Consent Order* regarding Respondents BROWN'S DURANT FUNERAL SERVICE & CREMATORY and MICHAEL OVERTON was approved by the Board on

January 13, 2022. The Order entered approving the agreed penalty provided in relevant part as follows at pages 6 and 7:

IT IS THEREFORE ORDERED by the Oklahoma Funeral Board as follows:

- I. The Board en banc hereby adopts the parties' Agreement.
- II. Pursuant to this Consent Order, Respondents Michael D. Overton, and Melvin R. Blagg agree to the following terms and conditions, which are hereby imposed by the Board:
 - a. Respondents agree to jointly pay the Oklahoma Funeral Board an administrative penalty in the amount of five hundred dollars (\$500.00) on or before January 13, 2022.
 - b. For a period of one (1) year, commencing on January 13, 2022, Respondent Overton shall not be approved by the Board to supervise funeral directing or embalming apprentices, nor shall Respondent Overton supervise funeral directing or embalming apprentices during this time.
 - c. Should Respondent Blagg become licensed by the Board as a funeral director and/or embalmer, his license will be on probation for one (1) year from the date he becomes so licensed.
- III. As authorized by law, Respondents shall jointly pay a total of five hundred dollars towards the costs of this action, including prosecution and investigation costs pursuant to 59 O.S. §396.12e(B). Said sum shall be paid in full on or before January 13, 2022.
- IV. Should Respondents violate this Consent Order, the Board shall hold a hearing regarding the alleged violation. The violation of any term(s) of this Consent Order

may result in further disciplinary action, including, but not limited to, revocation of Respondents' licenses or certifications. Therefore, the Board retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Consent Order.

2. Board staff has received information that Respondent Overton has been supervising apprentices in violation of said Consent Order.

- a. Respondent Overton has supervised two apprentices, on more than 15 occasions between June 2022 and January 2023. Those apprentices were Whitney Phillips 6433AP and Shaylee Murphree 6489AP.

WHEREFORE, the State requests that the Board enforce the Consent Order and suspend all of the Respondents' licenses or any other remedies that they deem fit, until the Consent Order is fully complied with, and that the costs of the enforcement proceedings be assessed against the Respondents.

SECOND NOTICE OF HEARING

In accordance with the jurisdiction granted this tribunal in 59 O.S. " 396.2a(7), (9) and 396.12c, an **evidentiary hearing** will be commenced on **Thursday, July 13, 2023, at 10:00 A.M. in the 1st Floor Conference Room of the Office of Chief Medical Examiner, 921 N.E. 23rd Street, Oklahoma City, Oklahoma 73105.** If it be the decision of the Board, after considering all of the evidence presented, that the 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 Respondent is advised that in accordance with the above-referenced legal authority that Respondent has the right to appear personally and to submit a written response,

and to appear through an attorney. In addition, the Respondent has the right to cross-examine witnesses and present evidence on his behalf.

Respectfully submitted:



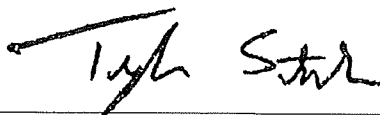
Kylie Cooper, OBA # 32758
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
PHONE: (405) 522-2894
FAX: (405) 522-4536
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served by certified as follows:

TRANSMITTED BY CERTIFIED MAIL:

Michael Overton
1705 Smith St.
Durant, OK 74701



Tyler Stiles
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT
AGAINST:**

HARTWELL FUNERAL HOME

A Licensed Funeral Establishment,
Establishment License # 1953ES
320 West Main St
Tishomingo, OK 73460

owned by:

GROVE & HARTWELL INC.

320 West Main St
Tishomingo, OK 73460

STACI HARTWELL-HELM

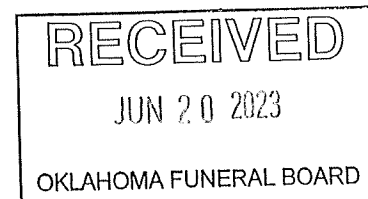
Licenses: 3605FD and 3952EM,
Address: 1818 Comanche St
Ardmore, OK 73401

A Licensed Funeral Director and Embalmer
and the Funeral Director in Charge at

HARTWELL FUNERAL HOME,

Respondents.

Complaint No. 23-54



COMPLAINT AND NOTICE OF HEARING

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, Hartwell Funeral Home, Grove & Hartwell INC., and Staci Harwell-Helm, 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 ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

JURISDICTION

1. Respondent HARTWELL FUNERAL HOME ("Funeral Home") is licensed by the Board, establishment license number 1953ES, and is located at 320 West Main St, Tishomingo, OK 73460.

2. Respondent STACI HARTWELL-HELM ("Funeral Director in Charge" or "FDIC") is licensed by the Board as a funeral director and embalmer, license numbers 3605FD and 3952EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent GROVE & HARTWELL INC ("Owner") is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent STACI HARTWELL-HELM is the owner and registered agent for Respondent GROVE & HARTWELL INC.

4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

FACTUAL ALLEGATIONS

5. On or about May 15, 2023, Board staff received a Conditional Administrative Order in State of Oklahoma, ex re. Glen Mulready v. Grove & Hartwell, INC, Case No. 21-0671-DIS (Exhibit "A"). This Order alleged that Grove & Hartwell INC. failed to file an affidavit within 30 days, as required by 36 O.S. § 309.4(D).

6. On May 15, 2023, Board staff filed a complaint with the Board, alleging that Respondents were in violation of O.A.C. 235:10-7-2(5) by failing to comply with the requirements of the Oklahoma Statutes and Rules of the State Insurance Commission. The Board provided Respondents with the Notice of Complaint via certified mail.

7. On May 22, 2023, Respondents filed their response to Complaint 23-54 with the Board. Respondents stated that she was not the FDIC when the incomplete affidavits were submitted. Once she was notified of the issue, she submitted a corrected copy of the affidavit and paid the fine to the Insurance Department.

8. By public vote during the meeting on June 8, 2023, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

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

ALLEGED CONCLUSIONS OF LAW

10. Respondents violated O.A.C. 235:10-7-2(5) by failing to comply with the requirements of the Oklahoma Statutes and Rules of the State Insurance Commission pertaining to pre-need funeral service arrangements.

11. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent Staci Hartwell-Helm, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

12. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

AUTHORIZED PENALTIES

13. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related

violations¹; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

14. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

15. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **JULY 13, 2023 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

¹ When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

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.

59 O.S. § 396.12e(C).

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Kylie Cooper, OBA # 23758
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
kylie.cooper@oag.ok.gov
(405) 522-2894
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

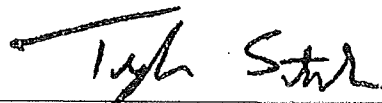
I hereby certify that on the 20th day of June, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

STACI HARTWELL-HELM
1818 Comanche St.
Ardmore, OK 73401

GROVE & HARTWELL INC.
320 West Main St.
Tishomingo, OK 73460

HARTWELL FUNERAL HOME
320 West Main St.
Tishomingo, OK 73460



Tyler Stiles, MBA
Executive Director

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JAN 28 2022

STATE OF OKLAHOMA, ex rel. GLEN
MULREADY, Insurance Commissioner,

INSURANCE COMMISSIONER
OKLAHOMA

Petitioner,

v.

Case No. 21-0671-DIS

GROVE & HARTWELL, INC.,
a pre-paid funeral benefit permit holder in the
State of Oklahoma,

Respondent.

RECEIVED

MAY 15 2023

OKLAHOMA FUNERAL BOARD

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner,
by and through his attorney, Teresa L. Green, and alleges and states as follows:

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, including Prepaid Funeral Services and Funeral Service Merchandise Act, 36 O.S. §§ 6121 *et seq.*

2. Grove & Hartwell, Inc. d/b/a Tishomingo Funeral Home ("Respondent") is a pre-paid funeral benefit permit holder in the State of Oklahoma, SBS Number 44201326. Its mailing address of record is 320 W. Main Street, Tishomingo, OK 73460.

3. The Insurance Commissioner may censure, suspend or revoke, and/or may fine any permit holder who violates any provision of the Prepaid Funeral Services and Funeral Service Merchandise Act a civil penalty of not less than \$100.00 and not more than \$1,000.00. *See 36 O.S. § 6130(B).*

EXHIBIT

A

FINDINGS OF FACT

4. Pursuant to 36 O.S. § 6129.1, the Insurance Commissioner shall perform a financial examination of each trust that is being maintained pursuant to the Prepaid Funeral Services and Funeral Service Merchandise Act.

5. Pursuant to 36 O.S. § 309.4(D), within thirty (30) days of the issuance of an adopted examination report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related order.

6. On or about September 8, 2021, the Oklahoma Insurance Department ("OID") issued the *Order Adopting Report of Examination* in 21-0296-EXM. This order stated:

IT IS FURTHER ORDERED by the Insurance Commissioner that [Grove & Hartwell, Inc.] shall file with the Oklahoma Insurance Department within thirty (30) days of the date of issuance of this Order, affidavits executed by each of its Directors stating under oath that each Director has received a copy of the adopted Report and this Order.

7. On or about November 11, 2021, the Respondent submitted an undated affidavit.

8. On or about November 15, 2021, the OID requested a corrected affidavit.

9. On or about November 19, 2021, the Respondent submitted an illegible affidavit.

10. On or about November 24, 2021, the Tasha Kempf, the Respondent representative that signed the affidavit, requested the OID disregard the affidavit and that she no longer worked for the Respondent.

11. On or about November 29, 2021, the OID notified the Respondent that the affidavit was still needed.

12. On or about December 15, 2021, the OID received a completed affidavit.

CONCLUSIONS OF LAW

13. Respondent violated 36 O.S. §§ 309.4 and 6130 by failing to submit the required affidavit within thirty (30) days, which was also ordered by the Insurance Commissioner.

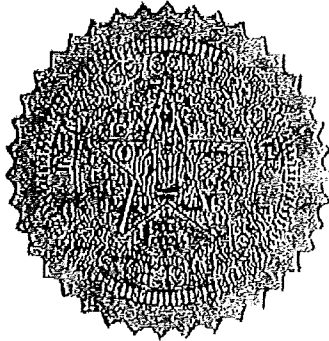
ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent is fined in the amount of **ONE HUNDRED DOLLARS (\$100.00)** for the violations of 36 O.S. §§ 309.4 and 6130. The fine is to be paid within thirty (30) days of receipt of this Order.

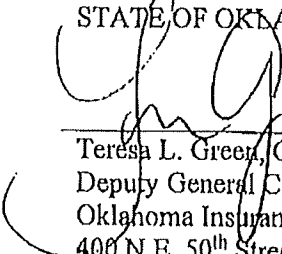
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above will become a Final Order on the thirty-first (31st) day following the date of mailing of this Order. A request for hearing should be in writing addressed to Teresa L. Green, Oklahoma Insurance Department, Legal Division, 400 N.E. 50th St., Oklahoma City, OK 73105. A request for hearing must state the grounds for the request to set aside or modify this Order.

Any such hearing will be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250 *et seq.* If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, then this Conditional Order will act as notice of the matters to be reviewed at the hearing, and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order will be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 27th day of January, 2022.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Teresa L. Green, OBA #32897
Deputy General Counsel
Oklahoma Insurance Department
400 N.E. 50th Street
Oklahoma City, OK 73105
Telephone: (405) 521-6654
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

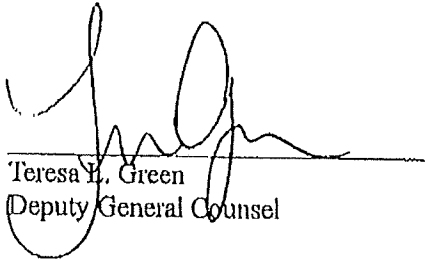
I, Teresa L. Green, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent by certified mail with postage prepaid and return receipt requested on this 28th day of January, 2022, to:

Grove & Hartwell, Inc.
320 W. Main Street
Tishomingo, OK 73460

CERTIFIED MAIL NO.
9214 8902 0982 7500 0438 14

and a copy was delivered to:

RIS Division



Teresa L. Green
Deputy General Counsel