

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. 23<sup>rd</sup> Street  
Conference Room 1<sup>st</sup> Floor Oklahoma City, OK 73105.

DATE & TIME: June 8, 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 June 5, 2023 at 10:00AM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.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](mailto: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. Approval of the May 11, 2023 Regular Board meeting minutes
3. Oklahoma Funeral Director Association Update from a Representative of OKFDA
4. Oklahoma Insurance Department Update from a Representative of OID
5. Review complaints with possible vote for probable cause or other action

23-44 Unsatisfactory Service

23-45 Overcharging

23-49 Body Issues

23-50 Body Intake Log

23-51 Next of Kin

23-54 Prepaid Funeral Benefits

23-56 Misleading Advertising

6. 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.

6A. Complaint 22-15 Brown's Durant Funeral Service & Crematory, Durant, Michael Overton, Durant, FDIC. Member Matherly needs to be recused.

7. 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.

7A. Complaint 23-47 Sevier Funeral Home Tuttle, Establishment, Tuttle, Sevier Funeral Home, Inc, Owner, Austin Kile, FDIC, Chickasha. Member Corbett needs to be recused.

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

A. Apprenticeship (Original)

1. Jamie Covington, Yukon, OK Cremation, OKC (FD Only)
2. Robert Wood, Sallisaw, Forever Memories, Sallisaw
3. William Dickson, Sperry, Sien-Shelton FH, Skiatook
4. Natalie Santiago, Enid, Henninger-Hinson FH, Enid
5. Andi Bush, Antlers, Serenity FS, Antlers
6. Chelsea Evans, Broken Arrow, Floral Haven, Broken Arrow
7. Andrea Sills, OKC, OMS, OKC
8. Hannah Ryden, Owasso, Moore FH, Tulsa

B. Apprenticeship (1st extension)

1. Lorna Schofield, Stillwater, Green Country FH, Tahlequah

2. Joshua Smith, Guthrie, Mercer-Adams, Bethany
  3. Amy Ary, McLoud, Bill Eisenhour, OKC
  4. Macie Herndon, OKC, OMS, OKC
  5. Shaylee Murphree, Durant, Brown's FS, Durant
- C. Apprenticeship (2nd extension)
1. Landis Thompson, Broken Arrow, Palmer Marler FH, Cushing
- D. Apprenticeship (3rd extension)
1. Wacee Kerr, El Reno, Wilson FH, El Reno
  2. Jonathan Riley, Enid, Ladusau-Evans FH, Enid
- E. Funeral Director and/or Embalmer (Reciprocal)
1. Stuart Thompson, Texas
  2. Mark Mead, Texas
  3. Timothy Plunk, Tennessee
  4. Robert Williams, Florida
  5. Rodney Ford, Texas
- F. Funeral Director and/or Embalmer (Original)
1. John Davis, Swink (FD Only)
  2. Jimmie Binford, Tulsa (FD Only)
  3. Troy Wells, Sand Springs (FD Only)
  4. Tyler Johnson, Commerce (FD Only)
  5. Edward Eschiti, Walters (EM Only)
  6. Nickolas Zyzak, OKC

## G. Establishments

1. Hart FH, Stilwell, request to change FDIC from John Keath to Robert Sheffield
  2. Hart FH, Tahlequah, request to change FDIC from John Keath to Robert Sheffield
  3. Tribute Memorial Care Southwest, Tuttle, request to close establishment
  4. Tribute Memorial Care Southwest, Tuttle, New Establishment, Tribute Memorial Care Southwest LLC, Owner, John Davenport, FDIC
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.
10. **Administrative Assistant's Report**
- A. New Funeral Board Website Update
11. **Executive Director's Report**
- A. Agency Financial Update
  - B. 2023 Legislation Update: SJR21, SJR22
12. **Matters for consideration: Part-Time Inspector**
- A. Discussion and possible action on the employment, including a merit-based salary increase, of the Part-Time Inspector.
  - B. Vote on possible executive session pursuant to 25 O.S. 2011, Section 307 (B) (1) Discussing the employment, including a merit-based salary increase, of the Part-Time Inspector.
  - C. Possible action to be taken as a result of the executive session concerning the employment, including a merit-based salary increase, of the Part-Time Inspector.

13. Matters for consideration: Executive Director
  - A. Discussion and possible action on the employment, including a merit-based salary increase, of the Executive Director.
  - B. Vote on possible executive session pursuant to 25 O.S. 2011, Section 307 (B) (1) Discussing the employment, including a merit-based salary increase, of the Executive Director.
  - C. Possible action to be taken as a result of the executive session concerning the employment, including a merit-based salary increase, of the Executive Director.
14. Special recognition, presentation, and possible discussion of Chad Vice's Service to the State of Oklahoma
15. Adjournment

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Tyler Stiles, MBA  
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: July 13, 2023. Office of Chief Medical Examiner –OKC 921 N.E. 23<sup>rd</sup> Street Conference Room – 1<sup>st</sup> Floor Oklahoma City, OK 73105.



## MINUTES OF A REGULAR MEETING

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

May 11, 2023

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### 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

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### MEETING PLACE: MEETING PLACE:

If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23<sup>rd</sup> Street Conference Room 1<sup>st</sup> 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 May 8, 2023 at 10:00AM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

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

Motion by Highberger second by Corbett to approve the April 13, 2023 Regular Board meeting minutes. The motion passed unanimously.

Dustin Pierce with OKFDA reported that this year's convention provided 12 hours of CE and 9 of those were also approved for Kansas. This was the

biggest convention with 400 funeral directors and 67 vendors. Celebrant training will be November 8-10. Ronnie Dighton is the new President and Christina Shipman the Incoming-President. OKFDA has seen a 15% increase in membership over the past year.

The Oklahoma Insurance Department did not provide an update.

Motion by Highberger second by Corbett to dismiss complaint 21-19 regarding stealing items. The motion passed unanimously.

Motion by Highberger second by Corbett to dismiss complaint 23-46 regarding Body Intake Log Issues. The motion passed unanimously.

Motion by Highberger second by Matherly to find probable cause on complaint 23-47 regarding Body Intake Log Issues. The motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 23-48 regarding Next of Kin Issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-46 Rolfe Funeral Home, Inc, Establishment, OKC, Rolfe Funeral Home, Inc, Owner, Jimmie Boldien Jr, FDIC, OKC.. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Corbett, Matherly, and Vice heard the case. Member Highberger was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Matherly second by Vice to accept the consent order. The consent order consisted of the following: The agreed violations were: failure to release custody of decedent's body to legally entitled party, overcharging, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$2,000, Restitution of \$1,235, 6 hours of additional CE, Costs of \$750. The motion passed unanimously.

Member Highberger reentered the room.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-38 Fletcher-Elgin Funeral Homes LLC, Establishment, Fletcher, Fletcher-Elgin Funeral Homes LLC, Owner, Amber Hendrix, FDIC, Fletcher. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Highberger, Matherly, 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 \$500, Costs of \$250. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-43 Williamson-Spradlin Funeral Home, Establishment, Wetumka, Williamson-Spradlin Funeral Home Inc, Owner, Aaron Kroier, FDIC, Wetumka.. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Highberger, Matherly, and Vice heard the case. Member Corbett 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 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 Matherly second by Vice to approve the following: Apprenticeship (Original) Grayson Axsom, Atoka, Brown's FS, Atoka; Christopher Lowe, Duncan, Whitt FH, Duncan; Robert Bethany, Catoosa, Rice FS, Claremore; Shena Guthrie, Nowata, Stumpff FH, Bartlesville. The motion passed unanimously.

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

Motion by Matherly second by Highberger to approve the following: Apprenticeship (1st Extension). Hilda Rubio, Moore, John Ireland, Moore; Nicole Albee, MWC, Corbett FH, OKC; Megan Thackery, Bixby, Stanley's, Tulsa; Payton Pacholski, OKC, OK Cremation, OKC; Maliyah Casanova, Shawnee, Walker, Shawnee; Latonya McGee, Warr Acres, OK Cremation, OKC; Melissa Bates, Locust Grove, Locust Grove FH, Locust Grove. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (2nd Extension). Michael Hopkins, Broken Arrow, Hopkins-Reynolds FS, Collinsville; Nicholas Holdeman, Ames, Lanman FH, Helena. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (4th Extension). Glenn Palmer-Roberts, Yukon, Bill Merritt FS, Bethany; Breanne Strawn, Piedmont, Ingram, Smith Turner, Yukon. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal), Stuart Thompson, Texas; Mark Mead, Texas; Timothy Plunk, Tennessee. The motion passed unanimously.

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

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

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Chad Austin, Boswell; Jessica Ramirez, Purcell (FD Only). The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original), John Davis, Swink (FD Only). The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Kristen Crofford, Stillwater. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Establishments, Brown's Family Funeral Home, McLoud, request to change FDIC from Tim Alonzo to Conner Brown; Brown's Family Funeral Home, Prague, request to change FDIC from Tim Alonzo to Conner Brown; Cruz Family Funeral Home, New Establishment, OKC, Cruz Family Funeral Home LLC, Owner, Wayne, Dana Bradford, FDIC; Smith Funeral Home, Sapulpa, request to change FDIC from Danilo Gatton to Marie Thompson. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Crematories, Heartland Cremation Service, Chandler, request to change FDIC from Tim Alonzo to Conner Brown; Green Country Cremation Center, Sapulpa, request to change FDIC from Danilo Gatton to Marie Thompson; Cremation Care Centers, Glenpool, New Crematory, Schaudt's Family Funeral Service, Inc. Owner, Daniel Schaudt, FDIC. The motion passed unanimously.

There was no new business.

New Funeral Board Website Update -Rochelle Covington reported that staff has been meeting with Arrowhead Consulting and OMES to update the Funeral Board website. The website is planned to go live the first week of June but we are ahead of schedule. This is at no cost to the Funeral Board.

Agency Financial update- Mr. Stiles reported gross receipts for April 2023 to be \$6,940.00 with \$694.00 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$37,528.64 and net income after expenses totaled -\$31,282.64.

Mr. Stiles provided the following update on legislation for 2023: HB2240, by Rep. Dobrinski, lowers the age of licensure from 20 to 18. This bill was signed by the Governor and is now in effect.

HB2807, by Rep. Kendrix, removes the sunset of the Funeral Board.-Language was changed to remove the sunset. This Bill was not heard in committee and we will be tracking this to see if it is passed this year.

SB161, by Sen. Daniels, extends the sunset of the Funeral Board for 1 year.-This Bill was signed by the Governor, effective July 1, 2023.

SB707 by Sen Rosino, extends the amount of time for a physician to complete the medical portion of the Death Certificate to 5 days after receipt of the partial certificate. This Bill is dormant pursuant to rules.

SJR21 by Sen. Bergstrom, encompasses the Funeral Board Rule changes to adjust the mileage regarding FDIC.

Death Certificate Process Update- Mr. Stiles has met with the State Health Department to discuss issues with Death Certificates not being filed in a timely manner. The OKDH conveyed that the goal is for 80% of Death Certificates to be filed within 10 days and will be meeting with various groups to help determine how to accomplish this goal.

Matters for consideration: Administrative Assistant -Motion by Highberger second by Corbett to enter executive session. The motion passed unanimously.

Motion by Highberger second by Corbett 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 salary for the Administrative Assistant from \$60,000 to \$65,000. The motion passed unanimously.

Motion by Highberger second by Vice to adjourn the meeting at 10:40AM. The motion passed unanimously.

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Jim Roberts  
Oklahoma Funeral Board President

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

IN THE MATTER OF THE COMPLAINT )  
AGAINST: )

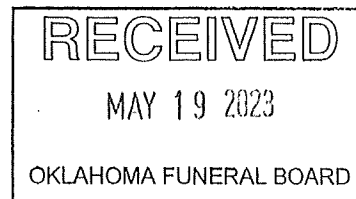
MICHAEL D. OVERTON )  
Licenses: 3140FD and 3518EM )  
Address: 1611 Larkspur Lane )  
          Durant, OK 74701 )

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. §396.12c(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, June 8, 2023, at 10:00 A.M. in the 1<sup>st</sup> Floor Conference Room of the Office of Chief Medical Examiner, 921 N.E. 23<sup>rd</sup> 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 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
PHONE: (405) 522-2894  
FAX: (405) 522-4536

Attorney for Oklahoma Funeral Board

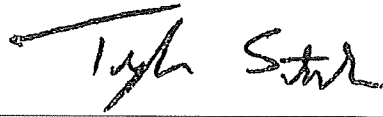
**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of May, 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**  
1611 Larkspur Lane  
Durant, OK 74701



Handwritten signature of Tyler Stiles in black ink.

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Tyler Stiles  
Executive Director

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

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

**SEVIER FUNERAL HOME TUTTLE**

A Licensed Funeral Establishment,  
Establishment License # 1299ES  
105 West Main  
Tuttle, OK 73018

owned by:

**SEVIER FUNERAL HOME INC.**

702 W Chickasha Ave  
Chickasha, OK 73018

**AUSTIN KILE**

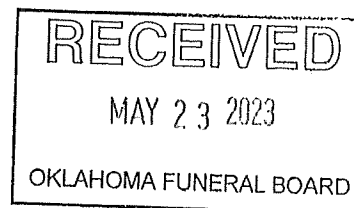
Licenses: 3616FD and 3959EM,  
Address: 702 W Chickasha Ave  
Chickasha, OK 73018

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

**SEVIER FUNERAL HOME TUTTLE,**

**Respondents.**

**Complaint No. 23-47**



**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, SEVIER FUNERAL HOME INC, SEVIER FUNERAL HOME TUTTLE. and AUSTIN KILE, 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 SEVIER FUNERAL HOME TUTTLE (“Funeral Home”) is licensed by the Board, establishment license number 1299ES, and is located at 105 West Main, Tuttle, OK 73089.

2. Respondent AUSTIN KILE (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 3616FD and 3959EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent SEVIER FUNERAL HOME INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent AUSTIN KILE is the owner and registered agent for Respondent SEVIER FUNERAL HOME 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 April 10, 2023, Board staff conducted an inspection of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: not all bodies received at the Funeral Home were listed in the Log; there are no dates or times reflecting when the bodies were received; there were no dates or times reflected under “care given;” the dates and times of embalming were not listed in the Log; the disposition of the bodies was not listed in the Log; the embalmer did not sign the Log under “embalmer signature;” the name, signature, and license number of the embalmer is not in the Log; and the name, signature, and license number of the apprentice is not in the Log.

6. On April 11, 2023, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii). The Board provided Respondents

with the Notice of Complaint via certified letter, which was mailed on the date the complaint was filed. .

7. On April 13, 2023, Respondents filed their response to Complaint 23-47 with the Board. Respondents acknowledged the complaint and sent in an updated Body Intake Log.

8. By public vote during the meeting on May 11, 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. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log. The relevant Rule, O.A.C. 235:10-3-2(5)(vii), with emphasis added, provides:

**Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. **The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s).** If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

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 AARON KROIER, 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 violations<sup>1</sup>; (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 **JUNE 8, 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

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<sup>1</sup> 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).

any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

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 long horizontal line extending from the end of the name.

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Kylie Cooper, OBA # 23758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 27<sup>th</sup> day of May, 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:**

SEVIER FUNERAL HOME TUTTLE  
105 West Main  
Tuttle, OK 73089

SEVIER FUNERAL HOME INC.  
702 W Chickasha Ave  
Chickasha, OK 73018

AUSTIN KILE  
702 W Chickasha Ave  
Chickasha, OK 73108



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Tyler Stiles, MBA  
Executive Director