

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: May 11, 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 May 8, 2023 at 10:00AM. A copy of this agenda is available on the Funeral Board website at 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.

*** 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 April 13, 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

21-19 Stealing Items

23-46 Body Intake Log Issues

23-47 Body Intake Log Issues

23-48 Next of Kin Issues

6. Matters for consideration: Consent Order or Scheduling Order

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

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

6A. Complaint 22-46 Rolfe Funeral Home, Inc, Establishment, OKC, Rolfe Funeral Home, Inc, Owner, Jimmie Boldien Jr, FDIC, OKC. Member Highberger needs to be recused.

6B. Complaint 23-38 Fletcher-Elgin Funeral Homes LLC, Establishment, Fletcher, Fletcher-Elgin Funeral Homes LLC, Owner, Amber Hendrix, FDIC, Fletcher. Member Corbett needs to be recused.

6C. Complaint 23-43 Williamson-Spradlin Funeral Home, Establishment, Wetumka, Williamson-Spradlin Funeral Home Inc, Owner, Aaron Kroier, FDIC, Wetumka. Member Corbett needs to be recused.

7. Vote to affirm or disaffirm the issuance of the following licenses,

registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Grayson Axsom, Atoka, Brown's FS, Atoka
2. Christopher Lowe, Duncan, Whitt FH, Duncan
3. Robert Bethany, Catoosa, Rice FS, Claremore
4. Shena Guthrie, Nowata, Stumpff FH, Bartlesville

B. Apprenticeship (1st extension)

1. Lorna Schofield, Stillwater, Green Country FH, Tahlequah
2. Hilda Rubio, Moore, John Ireland, Moore
3. Nicole Albee, MWC, Corbett FH, OKC
4. Megan Thackery, Bixby, Stanley's, Tulsa
5. Payton Pacholski, OKC, OK Cremation, OKC
6. Maliyah Casanova, Shawnee, Walker, Shawnee
7. Latonya McGee, Warr Acres, OK Cremation, OKC
8. Melissa Bates, Locust Grove, Locust Grove FH, Locust Grove

C. Apprenticeship (2nd extension)

1. Michael Hopkins, Broken Arrow, Hopkins-Reynolds FS, Collinsville
2. Nicholas Holdeman, Ames, Lanman FH, Helena

D. Apprenticeship (4th extension)

1. Glenn Palmer-Roberts, Yukon, Bill Merritt FS, Bethany
2. Breanne Strawn, Piedmont, Ingram, Smith Turner, Yukon

E. Funeral Director and/or Embalmer (Reciprocal)

1. Stuart Thompson, Texas
2. Mark Mead, Texas
3. Timothy Plunk, Tennessee
4. Robert Sheffield, Alabama
5. Robert Williams, Florida

F. Funeral Director and/or Embalmer (Original)

1. Chad Austin, Boswell
2. Jessica Ramirez, Purcell (FD Only)
3. John Davis, Swink (FD Only)
4. Kristen Crofford, Stillwater

G. Establishments

1. Brown's Family Funeral Home, McLoud, request to change FDIC from Tim Alonzo to Conner Brown
2. Brown's Family Funeral Home, Prague, request to change FDIC from Tim Alonzo to Conner Brown
3. Cruz Family Funeral Home, New Establishment, OKC, Cruz Family Funeral Home LLC, Owner, Wayne, Dana Bradford, FDIC
4. Smith Funeral Home, Sapulpa, request to change FDIC from Danilo Gatton to Marie Thompson

H. Crematories

1. Heartland Cremation Service, Chandler, request to change FDIC from Tim Alonzo to Conner Brown
2. Green Country Cremation Center, Sapulpa, request to change FDIC from Danilo Gatton to Marie Thompson

3. Cremation Care Centers, Glenpool, New Crematory, Schaudt's Family Funeral Service, Inc. Owner, Daniel Schaudt, FDIC
8. **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.
9. **Administrative Assistant's Report**
 - A. New Funeral Board Website Update
10. **Executive Director's Report**
 - A. Agency Financial Update
 - B. 2023 Legislation Update: HB2240, HB2807, SB161, SB707, SJR21
 - C. Death Certificate Process Update
11. **Matters for consideration: Administrative Assistant**
 - A. Discussion and possible action on the employment, including a merit-based salary increase, of the Administrative Assistant.
 - 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 Administrative Assistant.
 - C. Possible action to be taken as a result of the executive session concerning the employment, including a merit-based salary increase, of the Administrative Assistant.
12. **Adjournment**

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: June 8, 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

April 13, 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 April 10, 2023 at 12:30PM. 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 Highberger, Matherly, and Roberts were present. Members Coble, Corbett, and Vice was absent. A quorum was always present

Motion by Highberger second by Matherly to approve the March 9, 2023 Regular Board meeting minutes. The motion passed unanimously.

Dustin Pierce with OKFDA provided the following update: Dustin Pierce with OKFDA provided the following update: Convention will be April 23-25 at

Embassy Suites in Norman. 11 hours of CE is offered. Visit OKFDA's website for the details.

The Oklahoma Insurance Department provided the following update. Annual reports were due March 15. OID will review those soon.

Motion by Matherly second by Roberts to dismiss complaint 22-44 regarding body issues. The motion passed unanimously.

Motion by Highberger second by Roberts to dismiss complaint 23-30 with letter of concern regarding Non-Payment Vendor. The motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 23-31 with letter of concern regarding Non-Payment Vendor. The motion passed unanimously.

Motion by Roberts second by Highberger to dismiss complaint 23-36 regarding Death Certificate Issues. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 23-37 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Highberger second by Roberts to find probable cause on complaint 23-38 regarding Body Intake Log Issues. The motion passed unanimously.

Motion by Roberts second by Highberger to dismiss complaint 23-39 regarding Harassment. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 23-41 regarding Unsatisfactory Service. The motion passed unanimously.

Motion by Highberger second by Roberts to dismiss complaint 23-42 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Matherly second by Highberger to find probable cause on complaint 23-43 regarding Body Intake Log Issues. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following:
Apprenticeship (Original) Alexandria Nimsey, Lexington, Alpha and Omega, OKC; Jackie Burch, Antlers, Serenity FS, Antlers (FD Only); Yesenia Martinez, OKC, Resthaven, OKC; Jillian Krieger, Noble, Corbett, OKC; Dena Cassell,

Chattanooga, Lawton Ritter Gray, Lawton; Reagan Crenshaw, Edmond, Baggerley FH, Edmond; Ruth Ewing, MWC, Smith and Kernke, OKC; Troy Wells, (FD Only), Sand Springs, Dillon FS, Sand Springs; Chris Main, McAlester, Brumley Mills, McAlester. The motion passed unanimously.

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

Motion by Matherly second by Roberts to approve the following: Apprenticeship (1st Extension). Holland Dugdale, Glenpool, McClendon Winters, Okmulgee. The motion passed unanimously.

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

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Reciprocal), James Williams, Kansas (FD Only). The motion passed unanimously.

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

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Chad Austin, Boswell. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Addison Ray, Clinton (FD Only); Haley Ireland, Moore (EM Only). The motion passed unanimously.

Motion by Matherly second by Roberts to table the following: Funeral Director and/or Embalmer (Original), Jessica Ramirez, Purcell (FD Only). The motion passed unanimously.

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

Motion by Matherly second by Roberts to approve the following:
Establishments, Hart Funeral Home, Stilwell, request to change FDIC from Brian Kester to John Keath; Hart Funeral Home, Tahlequah, request to change FDIC from Brian Kester to John Keath; Affordable Cremation Service- West, Sayre, New Establishment, Affordable, Inc., Owner, Christopher Whinery, FDIC. The motion passed unanimously.

There was no new business.

Agency Financial update- Mr. Stiles reported gross receipts for March 2023 to be \$15,540.00 with \$544.50 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$37,769.59 and net income after expenses totaled -\$22,774.09.

Mr. Stiles provided the following update on legislation for 2023:

HB 1074, by Rep. Smith, allows for unlicensed individuals to sell caskets.

Passed out of committee and did not make it to the House Floor. This is dormant for this year.

HB2240, by Rep. Dobrinski, lowers the age of licensure from 20 to 18. Passed out of the House and already passed the Senate committee.

HB2807, by Rep. Kendrix, extends the sunset of the Funeral Board for 5 years.- Language was changed to remove the sunset. Passed out of House and is now in the Senate.

SB128, by Sen. Rogers and Sen. Sims, adjusts provisions of Cemetery Merchandise Trust Act. Dormant for this year.

SB161, by Sen. Daniels, extends the sunset of the Funeral Board for 1 year.- Passed out of the Senate and is now in the House. This has passed out of House committee.

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 has passed the Senate and passed from House Committee

SB722, by Sen. Stewart, prohibits first responders and funeral home staff from transmitting photo or video of collisions or crime scenes. Passed out of the Senate and already passed the House committee.

Motion by Highberger second by Matherly to adjourn the meeting at 10:17AM. 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:**

ROLFE FUNERAL HOME, INC.

A Licensed Funeral Establishment,
Establishment License # 1207ES
2936 NE 36th Street
Oklahoma City, OK 73111

owned by:

ROLFE FUNERAL HOME, INC.

2936 NE 36TH Street
Oklahoma City, OK 73111

JIMMIE D. BOLDIEN, JR.

Licenses: 2083FD and 2229EM,

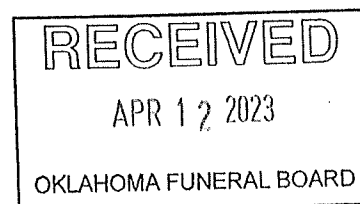
Address: 2936 NE 36th Street
Oklahoma City, OK 73111

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

ROLFE FUNERAL HOME, INC.,

Respondents.

Complaint No. 22-46



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, ROLFE FUNERAL HOME, ROLFE FUNERAL HOME, INC., and JIMMIE BOLDIEN, JR., 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 ROLFE FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1207ES, and is located at 2936 NE 36th Street, Oklahoma City, OK 73111.

2. Respondent JIMMIE D. BOLDIEN, JR. (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2083FD and 2229EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent ROLFE FUNERAL HOME, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent JIMMIE D. BOLDIEN, JR. is the owner and registered agent for Respondent ROLFE 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 May 20, 2022, Board staff received a complaint from Versena Morgan regarding her father. Ms. Morgan alleged that after starting to make funeral arrangements with Rolfe Funeral Home, she realized that she could not afford it. Ms. Morgan was told that it would cost \$285.00 for Rolfe Funeral Home to release her father’s body to another funeral home. She paid the Rolfe Funeral Home \$285.00 and told the other funeral home to come pick him up.

6. Further, Ms. Moser alleges that approximately 15 minutes after leaving Rolfe Funeral Home, she received a phone call from the employee she paid to release her father’s body. This same employee told Ms. Moser that she actually had verbally agreed to have her father embalmed and she now need to pay \$950.00 for an embalming. Ms. Moser alleges that the Rolfe Funeral

Home, INC. refused to properly release her father's body to the custody of the person entitled in violation of 59 O.S. § 396.12c(A)(11). The Board provided Respondents with the Notice of Complaint via certified mail, and it was delivered on May 25, 2022.

7. On June 6, 2022, Respondents filed their response to Complaint 22-46 with the Board. Respondents state that Ms. Moser was properly billed for services she requested. Respondents also submitted a GPL showing that at that time they were charging \$850 for an embalming. The bill Ms. Moser received said she was to pay \$950 for an embalming that she did not request.

8. By public vote during the meeting on September 8, 2022, 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 59 O.S. § 396.12c(A)(11) by failing to release custody of the decedent. The relevant statute, 59 O.S. § 396.12c(A)(11), provides:

11. Refusing to properly release a dead human body to the custody of the person entitled to custody;

12. Respondents violated O.A.C. 235:10-7-2(13) by charging Ms. Moser for an embalming that she did not authorize and was billed to her at \$100 more than Respondent's GPL advertises. This GPL was supplied to Board staff by Respondents.

13. 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 JIMMIE D. BOLDIEN, JR., as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

14. 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

15. 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.

16. 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.*

17. 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 **MAY 11, 2023 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear,

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).

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.

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 fluid and cursive, with a long horizontal line extending from the end of the name.

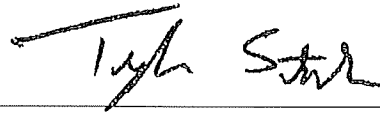
Kylie Cooper, OBA # 32758
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
kylie.cooper@oag.ok.gov
(405) 522-2894
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of April, 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:

KWAME T. MUMINA
4101 Perimeter Center Building, Suite 110
4101 Perimeter Center Dr.
Oklahoma City, OK 73110
ATTORNEY FOR THE RESPONDENTS

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA
Executive Director

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

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

FLETCHER-ELGIN FUNERAL HOMES LLC

A Licensed Funeral Establishment,
Establishment License # 1620ES
410 W. Cole Ave
Fletcher, OK 73541

owned by:

FLETCHER-ELGIN FUNERAL HOMES LLC

410 W. Cole St
Fletcher, OK 73541

AMBER HENDRIX

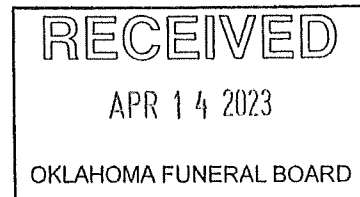
Licenses: 3228FD and 3601EM,
Address: 410 W. Cole St
Fletcher, OK 73541

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

FLETCHER-ELGIN FUNERAL HOMES LLC,

Respondents.

Complaint No. 23-38



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, FLETCHER-ELGIN FUNERAL HOMES, FLETCHER-ELGIN FUNERAL HOMES LLC and AMBER HENDRIX, 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 FLETCHER-ELGIN FUNERAL HOMES LLC (“Funeral Home”) is licensed by the Board, establishment license number 1620ES, and is located at 410 W. Cole Avenue, Fletcher, OK 73541.

2. Respondent AMBER HENDRIX (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 3228FD and 3601EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent FLETCHER-ELGIN FUNERAL HOMES LLC (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent AMBER HENDRIX is the owner and registered agent for Respondent FLETCHER-ELGIN FUNERAL HOMES LLC.

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 February 13, 2023, Board staff conducted an audit of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: there were 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 signature and license number of the apprentice was not listed; and the FDIC was not listed in the log.

6. On February 13, 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) and O.A.C. 235:10-3-

2(10). The Board provided Respondents with the Notice of Complaint via certified letter, which was delivered on February 15, 2023.

7. On February 22, 2023, Respondents filed their response to Complaint 23-38 with the Board. Respondents stated that they had a software issue and have gone back to using a hardcopy log in the prep room.

8. By public vote during the meeting on April 13, 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. Respondents violated O.A.C. 235:10-3-2(10) by failing to list the FDIC on the Log. The relevant Rule, O.A.C. 235:10-3-2(10), with emphasis added, provides:

Funeral Director in Charge. The Funeral Director in Charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and **on the body intake log.**

12. 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 AMBER HENDRIX, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

13. 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

14. 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.

15. 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.*

16. 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.*

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).

NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **MAY 11, 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.

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 fluid and cursive, 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

Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

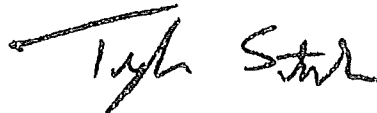
I hereby certify that on the 14th day of April, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

FLETCHER-ELGIN FUNERAL HOMES LLC
410 W Cole St
Fletcher, OK 73541

FLETCHER-ELGIN FUNERAL HOMES LLC
410 W Cole Ave
Fletcher, OK 73541

AMBER HENDRIX
410 W Cole St
Fletcher, OK 73541

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written above a horizontal line.

Tyler Stiles, MBA
Executive Director

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

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

WILLIAMSON-SPRADLIN FUNERAL HOME

A Licensed Funeral Establishment,
Establishment License # 1318ES
221 S Main
Wetumka, OK 74883

owned by:

**WILLIAMSON-SPRADLIN FUNERAL HOME
INC.**

221 S Main
Wetumka, OK 74883

AARON KROIER

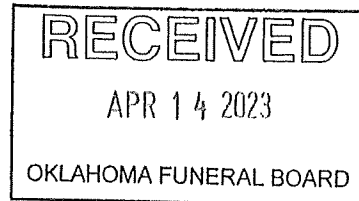
Licenses: 3480FD and 3845EM,
Address: 215 S Main St
Wetumka, OK 74883

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

WILLIAMSON-SPRADLIN FUNERAL HOME,

Respondents.

Complaint No. 23-43



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, WILLIAMSON-SPRADLIN FUNERAL HOME, WILLIAMSON-SPRADLIN FUNERAL HOME INC. and AARON KROIER, 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 WILLIAMSON-SPRADLIN FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1318ES, and is located at 221 S Main, Wetumka, OK 74883.

2. Respondent AARON KROIER (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 3480FD and 3845EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent WILLIAMSON-SPRADLIN FUNERAL HOME INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent AARON KROIER is the owner and registered agent for Respondent WILLIAMSON-SPRADLIN FUNERAL HOMES 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 March 3, 2023, Board staff conducted an inspection of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: 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 March 6, 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 delivered on March 10, 2023.

7. On March 20, 2023, Respondents filed their response to Complaint 23-43 with the Board. Respondents stated that they had provided additional training and instruction to staff regarding the Body Log. Respondents also included a copy of the updated Body Intake Log.

8. By public vote during the meeting on April 13, 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 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 **MAY 11, 2023 at 10:00**

A.M. Respondents may appear personally or through an attorney. If Respondents fail to appear,

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).

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.

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, flowing style. The first name "Kylie" is written with a large, stylized 'K' and 'y'. The last name "Cooper" is written with a large 'C' and a long, horizontal flourish extending to the right.

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

Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

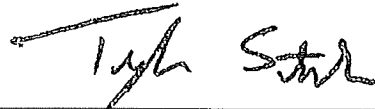
I hereby certify that on the 14th day of April, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

WILLIAMSON-SPRADLIN FUNERAL HOME
221 S Main
Wetumka, OK 74883

WILLIAMSON-SPRADLIN FUNERAL HOME INC.
221 S. Main
Wetumka, OK 74883

AARON KROIER
221 S. Main
Wetumka, OK 74883

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA
Executive Director