

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: September 14, 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 September 11, 2023 at 1:30PM. 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. Approval of the August 10, 2023 Regular Board meeting minutes
3. Oklahoma Funeral Director Association Update from a Representative of OKFDA, with possible discussion
4. Oklahoma Insurance Department Update from a Representative of OID, with possible discussion
5. Review complaints with possible vote for probable cause or other action
 - 24-01 Next of Kin Issues
 - 24-03 Vendor Payment 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 23-53 Michael's Funeral Home, Drumright, Michael's Funeral Home Inc, Owner, Michael Davis, Drumright, FDIC. Member Corbett needs to be recused.

6B. Complaint 23-57 Yanda and Son Funeral Home & Cremation Services, Yukon, Yanda and Son Funeral Home & Cremation Services Inc, Owner, Donna Yanda, Yukon, FDIC. Member Highberger needs to be recused.

6C. Complaint 23-59 Yanda and Son Funeral Home & Cremation Services, Yukon, Yanda and Son Funeral Home & Cremation Services Inc, Owner, Donna Yanda, Yukon, FDIC. Member Highberger needs to be recused.

6D. Complaint 23-71 Henninger-Hinson Funeral Home Inc, Enid, Henninger-Allen Funeral Home Inc, Owner, Matt Hinson, Enid, FDIC. Member Roberts 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. Ariana Stevens-Mujica, Noble, Cruz Family FH, OKC
2. Ashlee Mikesell-McCarroll, Forest Park, Bill Eisenhour FH, OKC
3. Austin Howell, Lawton, Becker-Rabon, Lawton
4. Glenn Palmer-Roberts, Yukon, Bill Merritt FS, Bethany (FD Only)
5. April Kile, (FD Only), Chickasha, Sevier FH, Chickasha
6. Maddison Smith, Ada, Criswell FH, Ada
7. Carrie Brooner, Tulsa, Serenity FH, Tulsa

B. Apprenticeship (1st extension)

1. Tara Cook, Tulsa, Dillon FS, Tulsa
2. Kammi Robinson-Snodgrass, Lone Grove, Craddock, Ardmore
3. Brennan Goforth, Edmond, Crawford, Edmond
4. Matthew Bowser, Broken Bow, Crawford, Edmond
8. Emily Eastman, Broken Arrow, Floral Haven FH, Broken Arrow
9. Benjamin Young, Wayne, Wilson- Little FH, Purcell
10. Rose Smith, Ada, Phillip-Estes, Ada
11. Randi Reeves, Sapulpa, Moore FH, Tulsa
12. Courtney Maine, Pauls Valley, Wooster FH, Pauls Valley
13. Alpha Alex, OKC, Resthaven, OKC
14. Marlin Giles, (FD Only), Skiatook, Chapman Black, Cleveland
15. Tabitha Brown, Stillwater, Strode FH, Stillwater
16. Deanna Evans, Dewey, Davis Family FH, Bartlesville (FD Only)

C. Apprenticeship (2nd extension)

1. Thomas Applegate, Wagoner, Mallet FH, Wagoner

2. Sarah Blank, Edmond, John Ireland, Moore
3. Mercedes Castro, Tuttle, Yanda and Son FH, Yukon

D. Apprenticeship (3rd extension)

1. Michael Frazier, (FD Only), Hugo, Prater-Lampton-Mills & Coffey, Hugo
2. Brighton Potter, Tulsa, Gary Kelley Add'vantage, Tulsa

E. Apprenticeship (4th extension)

1. Stephen Smith, OKC, Ford FS, MWC

F. Funeral Director and/or Embalmer (Reciprocal)

1. Stuart Thompson, Texas
2. Rodney Ford, Texas
3. Georgia Brasier, Texas
4. Vonda Gifford, Arkansas

G. Funeral Director and/or Embalmer (Original)

1. Morghane Gonzalez, OKC
2. Ashley King, Edmond
3. Nicholas Holdeman, Ames

H. Establishments

1. Cruz Family FH, OKC, request to change FDIC from Dana Bradford to Jocelyn Bell
2. Southhaven FS, Purcell, request to close establishment.
3. Southhaven FS, Purcell, New Establishment, Service Group of Oklahoma LLC, Owner, Kevin Montgomery, FDIC
4. Tribute Memorial Care Southwest, Tuttle, request to close establishment

5. Tribute Memorial Care Southwest, Tuttle, new establishment, Service Group of Oklahoma LLC, Owner, John Davenport, Norman, FDIC
6. Tribute Memorial Care, Norman, request to close establishment
7. Tribute Memorial Care, Norman, new establishment, Service Group of Oklahoma LLC, Owner, Shane Vice, Norman, FDIC
8. Kincannon FH and Cremation Service, Altus, request to close establishment
9. Kincannon FH and Cremation Service, Altus, new establishment, Service Group of Oklahoma LLC, Owner, Robert Gable, Altus, FDIC
10. Kincannon Eldorado Chapel, Eldorado, request to close establishment
11. Kincannon Funeral Home Eldorado, new establishment, Service Group of Oklahoma LLC, Owner, Robert Gable, Altus, FDIC
12. Smith FH, Sapulpa, request to change FDIC from Marie Thompson to Josh Linn
13. Schaudt FS and Cremation Care, Tulsa, request to change FDIC from Alan Hall to Stephen Schaudt
14. Tulsa Caskets and Cremation, Tulsa, new establishment, Tulsa Caskets and Cremation, LLC, Tulsa, Alan Hall, Broken Arrow, FDIC
15. House of Winn FH, Okmulgee, request to close establishment
16. House of Winn FH, Inc., Okmulgee, New Establishment, D2's House of Winn FH LLC, Owner, Edward Winn II, FDIC
17. House of Winn FH and Cremations, Muskogee, request to close establishment
18. House of Winn FH and Cremations, Muskogee, New Establishment, D2's House of Winn FH LLC, Owner, Edward Winn II, FDIC
19. Heritage FH and Cremation Services, OKC, request to close establishment
20. Central Oklahoma Heritage Funeral Directors LLC, OKC, New Establishment, Central Oklahoma Heritage Funeral Directors LLC, Owner, Kristi Pendleton Harrison, FDIC

I. Crematories

1. Southhaven Crematory, Purcell, request to close establishment.
2. Southhaven Crematory, Purcell, New Crematory, Service Group of Oklahoma LLC, Owner, Kevin Montgomery, FDIC
3. Green Country Cremation Center, Sapulpa, request to change FDIC from Marie Thompson to Daniel Collier

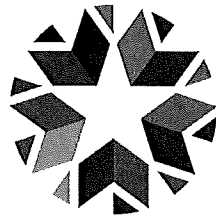
J. Mortuary Schools

1. UCO Funeral Service Department, Edmond, Oklahoma, Embalmer Only Course of Study
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. **Executive Director's Report**
- A. Agency Financial Update
10. **Strategic Planning: Discussion and possible action regarding change of Board Statutes or Board Rules:**
- A. Statute or rule change suggestions from Board Members and Board Staff
- B. Public Comment limited to 2 minutes per person and limited to proposed statute or rule changes

II. Adjournment

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: **October 12, 2023. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street Conference Room – 1st Floor Oklahoma City, OK 73105.**



OKLAHOMA Funeral Board

MINUTES OF A REGULAR MEETING

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

August 10, 2023

BOARD MEMBERS

Tom Coble
Darin Corbett
Glenn Dunn
John Davenport
Joe Highberger
Brent Matherly
Jim Roberts

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 August 7, 2023 at 9:00AM. 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 Coble,¹ Corbett, Davenport, Dunn, Highberger, Matherly, and Roberts were present. A quorum was always present.

Motion by Highberger second by Davenport to approve the July 13, 2023 Regular Board meeting minutes. The motion passed unanimously with member Matherly abstaining.

Ronnie Dighton with OKFDA reported that the NFDA Convention will be September 10-13, the Fall district meetings will be the first, second, and third weeks of October, celebrant training is in November and more information can be found on the OKFDA website.

The Oklahoma Insurance Department did not provide an update.

John Keath and Brandon Welch, licensed funeral directors from Kansas, reported that the funeral director assistant license has helped Kansas over the years and recommend that Oklahoma introduce that as an option to help funeral homes that need help and to give the licensed staff a break. Assistants can meet with families and work services but cannot embalm. They are tied to a licensee and if the assistant violates Board rules/statutes, then the licensee and the FDIC both get in trouble by the Board. In Kansas, the assistant only needs to take a law exam and does not need any mortuary school.

Motion by Roberts second by Coble to dismiss complaint 21-30 regarding Embalming Issues. The motion passed unanimously.

Motion by Highberger second by Davenport to dismiss complaint 21-35 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Highberger second by Davenport to dismiss complaint 23-61 regarding Unsatisfactory Service with a letter of concern. The motion passed unanimously.

Motion by Roberts second by Coble to dismiss complaint 23-63 regarding Vendor Payment Issues with a letter of concern. The motion passed unanimously.

Motion by Roberts second by Coble to find probable cause on complaint 23-66 regarding Body Intake Log Issues. The motion passed unanimously.

Motion by Coble second by Davenport to dismiss complaint 23-69 regarding Overcharging. The motion passed unanimously.

Motion by Highberger second by Dunn to find probable cause on complaint 23-70 regarding Body Intake Log Issues. The motion passed unanimously.

Motion by Highberger second by Roberts to find probable cause on complaint 23-71 regarding Prepaid Funeral Benefit Issues. The motion passed unanimously.

Motion by Highberger second by Matherly to find probable cause on complaint 23-72 regarding Vendor Payment Issues. The motion passed unanimously.

Motion by Roberts second by Matherly to dismiss complaint 23-73 regarding Public Health Concerns. The motion passed unanimously.

Motion by Coble second by Davenport to dismiss complaint 23-74 regarding Next of Kin. The motion passed unanimously.

Motion by Highberger second by Matherly to find probable cause on complaint 23-75 regarding Body Intake Log Issues, Casket Issues. The motion passed unanimously.

Motion by Roberts second by Highberger to table complaint 24-01 regarding Next of Kin. The motion passed unanimously.

Motion by Coble second by Highberger to dismiss complaint 24-02 regarding Body Intake Log Issues with a letter of concern. 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. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Davenport, Dunn, Highberger, and Matherly heard the case. Member Matherly was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Corbett to accept the consent order. The consent order consisted of the following: The agreed violations were: violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$500, Overton shall be prohibited from supervising apprentices and will relinquish his funeral director license if found supervising apprentices, 6 additional hours of CE, and \$500 costs. The motion passed unanimously

Matherly reentered the room.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-13 Baggerley Funeral Home, Edmond, SCI Oklahoma Funeral Service Inc, Owner. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Davenport, Dunn, Highberger, and Matherly heard the case. Member Roberts was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Davenport to accept the consent order. The consent order consisted of the following: The agreed violations were: violation of right to control one's disposition, failing to file a death certificate in a timely manner, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$1,500, restitution of \$1,193.50, costs of \$500. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-58 Palmer-Marler Funeral Home, Cushing, Ironwood Funeral Group LLC, Cushing, Riley Castor, FDIC, Agra. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Davenport, Dunn, and Highberger heard the case. Member Roberts was recused from the case and he left the room. Member Matherly recused himself from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Coble to accept the consent order. The consent order consisted of the following: The agreed violations were: failure maintain an updated Body Intake Log, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$250 and costs of \$250. The motion passed unanimously.

Members Matherly and Roberts reentered the room.

Motion by Roberts second by Coble to approve the following: Apprenticeship (Original) Tyler Smith, Tulsa, Bixby-South Tulsa, Bixby. The motion passed unanimously.

Motion by Highberger second by Roberts to table the following: Apprenticeship (Original) Ariana Stevens-Mujica, Noble, Cruz Family FH, OKC. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (Original) Molly Moore, Norman, OMS, OKC; Brittany Brown, OKC, Bill Eisenhour FH, OKC; Chelsea Raymond, Yukon, Hahn-Cook, OKC. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Apprenticeship (1st Extension). Tara Cook, Tulsa, Dillon FS, Tulsa. The motion passed unanimously

Motion by Matherly second by Highberger to approve the following: Apprenticeship (1st Extension). Tamela Cheadle-Lewis, Ardmore, Harvey-Douglas FH, Ardmore. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Apprenticeship (1st Extension). Kammi Robinson-Snodgrass, Lone Grove, Craddock, Ardmore. The motion passed unanimously

Motion by Matherly second by Highberger to approve the following: Apprenticeship (1st Extension). Jonathan Broce, Bethany, Memorial Park, OKC; Gage Hart, Geronimo, Hart-Wyatt FH, Walters. The motion passed unanimously

Motion by Matherly second by Highberger to approve the following: Apprenticeship (2nd Extension). Melissa Delgado, Norman, Havenbrook, Norman. The motion passed unanimously.

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

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Shelby Schrader, Broken Bow (FD Only); Jordyn Coulson, Stillwater; Hillary Hatchett, OKC; Gerald Thompson, Henryetta (FD Only); Landis Thompson, Cushing. The motion passed unanimously.

Motion by Matherly second by Coble to table the following: Funeral Director and/or Embalmer (Original), Morghane Gonzalez, OKC. The motion passed unanimously.

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

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Daysha Ross, Stilwell (EM Only). The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Establishments, Stumpff-Barnsdall FH, Barnsdall, request to change FDIC

from Kendra Soley to Paul Bruns; Stumpff-Nowata FH, Nowata, request to change FDIC from Scott Holz to Kendra Soley; Stumpff FH & Crematory, Bartlesville, request to change FDIC from Scott Holz to Kendra Soley; County Cremation Service, Ponca City, request to change FDIC from Shayna Coon to Brian Friend. The motion passed unanimously.

Motion by Matherly second by Coble to approve the following: Crematories-AE Cremation Services, Shawnee, New Crematory, AE Cremation Services LLC, Shawnee, Owner, Donald Tramel, Shawnee, FDIC; Regional Cremation Service Bartlesville, request to change FDIC from Scott Holz to Kendra Soley. The motion passed unanimously.

There was no new business

Agency Financial update- Mr. Stiles reported gross receipts for July 2023 to be \$8,412.50 with \$831.25 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$39,209.13 and net income after expenses totaled -\$31,627.88.

International Conference National Exam Statistics Update -Mr. Stiles reported that The International Conference provided statistics for the National Exams. Between January 1, 2023 and June 30, 2023, the pass rate for first time takers for the Arts Exam was 79% and 68% for the Science Exam. UCO was 71% pass rate for the Arts and 60% for the Science Exam for first time takers

Licensing Statistics Update -Mr. Stiles reported that in 2017, there were 86 apprentices, 1012 embalmers, and 1067 funeral directors. Prior to the August 2023 meeting, there were 137 apprentices, 1008 embalmers, and 1083 funeral directors. The biggest age range for apprentices is between 21-30 with 64 apprentices in that range. The biggest age ranges for funeral director and embalmers are between 51-60.

Motion by Highberger second by Roberts to approve Continuing Education hours for tour of the Medical Examiner's Tulsa and OKC offices in 2023.

The dates and times are:

OKC

Tuesday, October 24, 3:30PM

Thursday, November 9, 8:30 AM

Tuesday, November 14, 3:30PM

Wednesday, November 29, 3:30PM

Wednesday, December 20, 3:30PM

Tulsa
Wednesday, October 18, 3:30PM
Thursday, November 30, 3:30PM
Tuesday, December 5, 3:30PM
Tuesday, December 19, 3:30PM

Motion by Highberger second by Davenport to adjourn the meeting at 11:17AM. 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:**

MICHAEL'S FUNERAL HOME

A Licensed Funeral Establishment,
Establishment License # 1080ES
501 W. Broadway
Drumright, OK 74030

owned by:

MICHAEL'S FUNERAL HOME, INC.

PO BOX 688
Drumright, OK 74030

MICHAEL DAVIS

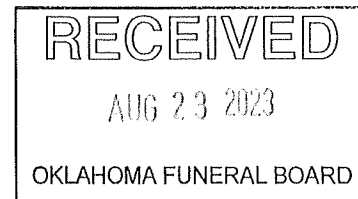
Licenses: 2648EM and 2321FD
Address: PO Box 688
Drumright, OK 74030

A Licensed Funeral Director
and the Funeral Director in Charge at

MICHAEL'S FUNERAL HOME,

Respondents.

Complaint No. 23-53



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, MICHAEL'S FUNERAL HOME, MICHAEL'S FUNERAL HOME INC., and MICHAEL DAVIS, 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:

8. By public vote during the meeting on July 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. 235:10-7-2(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 Michael Davis, 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.

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

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 **SEPTEMBER 14, 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:

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).

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 # 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

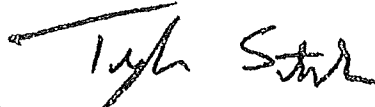
I hereby certify that on the 27th day of August, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

MICHAEL DAVIS
PO Box 688
Drumright, OK 74030

MICHAEL'S FUNERAL HOME INC.
PO Box 688
Drumright, OK 74030

MICHAEL'S FUNERAL HOME
501 W. Broadway
Drumright, OK 74030

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

Tyler Stiles, MBA
Executive Director

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

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

Petitioner,

vs.

MICHAEL'S FUNERAL HOME, INC
Prepaid Funeral Services Permit No: 863294

Respondent.

CASE NO. 22-0755-DIS

CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

FILED
DEC 28 2022
INSURANCE COMMISSIONER
OKLAHOMA

RECEIVED

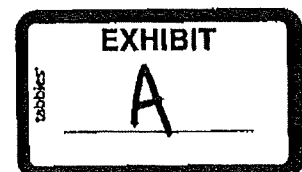
MAY 15 2023

OKLAHOMA FUNERAL BOARD

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner,
by and through counsel, Antuanya "Bo" DeBose, and alleges and states as follows:

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7401, and the Prepaid Funeral Benefits Act 36 O.S. §§ 6121-6136.18.
2. Michael's Funeral Home, Inc ("Respondent") is a permitted provider of Prepaid Funeral Benefit contracts in the state of Oklahoma and holds permit number 863294. Respondent's address of record is 501 West Broadway Street, Drumright, Oklahoma 74030.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. §§ 6123 and 6130.
4. Pursuant to 36 O.S. § 6130(B) the Insurance Commissioner may censure, suspend, or revoke a prepaid funeral permit or impose a fine in the amount of \$100.00 to \$1,000.00 or impose both such punishment and fine, for violating any provision of the Prepaid Funeral Benefits Act.



5. If Respondent requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

FINDINGS OF FACT

6. Pursuant to 36 O.S §6125(K), *"No organization holding a permit issued pursuant to the provisions of Sections 6121 and 6124 of this title shall accept any funds except pursuant to the provisions of a contract for prepaid funeral or burial benefits authorized by the provisions of Sections 6121 through 6136.18 of this title, and no organization shall accept funds from a purchaser in excess of the contracted price of prepaid funeral or burial benefits purchased."*

7. Pursuant to 36 O.S §6128, *"Each organization shall file an annual report with the Insurance Commissioner on or before March 15 of each year in such form as the Insurance Commissioner may require, showing the names and addresses of all persons with whom contracts for prepaid funeral benefits have been made prior to December 31 of the preceding year which had not been fully discharged on December 31 and, also showing the date of the contract, the name of the bank or depository holding the trust fund and the amount of the trust fund under each contract on the preceding December 31."*

8. Respondent filed its 2021 annual report on or about March 15, 2022.

9. Respondent's 2021 annual report shows one (1) contract holder has a lower contract amount than the amount of principal collected and deposited on the PF-1-c.

10. Respondent's 2021 annual report is missing a signed PF-3 with the printed name of the officer and CPA. Additionally, Respondent's 2021 annual report is missing Schedule(s) 3 and 6.

11. On or about October 19, 2022, the Oklahoma Insurance Department's Financial division ("Financial") emailed Respondent and requested a corrected PF-1-c or an explanation of the variances, along with the missing signed PF-3, Schedule 3 and Schedule 6.

12. The Respondent has failed to file a corrected PF-1-c or the missing items with Financial.

CONCLUSIONS OF LAW

13. Respondent has violated 36 O.S. §6125(K) by accepting funds from one (1) contract holders in excess of the contracted price of prepaid funeral or burial benefits purchased.

14. Respondent has violated 36 O.S. §6128 and 36 O.S. §6129.1 by failing to file the PF-3, Schedule 3 and Schedule 6 missing from its 2021 annual report.

ORDER

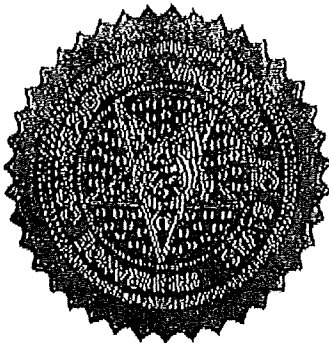
IT IS THEREFORE ORDERED that Respondent is **FINED** in the amount of **TWO HUNDERED DOLLARS (\$200.00)**. The fine shall be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department, located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that the Respondent shall file a corrected PF-1-c, if needed, along with any other missing information regarding its 2021 annual report within thirty (30) days from the date 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 30 days of the date of this Conditional

Order, the penalties set forth above will become a Final Order on the 31st day following the date of mailing this Order. A request for hearing should be in writing and addressed to Antuanya "Bo" DeBose, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, *36 O.S. §§ 101 et seq.*, and the Oklahoma Administrative Procedures Act, *75 O.S. §§ 250 through 324*. If the Respondent serves a request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a 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 shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 28th day of December, 2022.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Antuanya "Bo" DeBose
Antuanya "Bo" DeBose
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 522-4805
Bo.debose@oid.ok.gov

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 28th day of December, 2022, to:

Michael's Funeral Home, Inc
501 West Broadway Street
Drumright, Oklahoma 74030
MichaelsFHomes@aol.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0510 24

and a copy was delivered to;

RIS and Financial Division



Antuanya "Bo" DeBose
Assistant General Counsel

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

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

**YANDA AND SON FUNERAL HOME &
CREMATION SERVICES**

A Licensed Funeral Establishment,
Establishment License # 1330ES
1500 W Vandament
Yukon, OK 73099

owned by:

**YANDA AND SON FUNERAL HOME &
CREMATION SERVICES INC.**

PO BOX 850119
Yukon, OK 73085

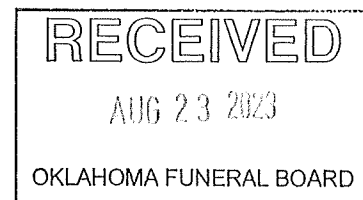
DONNA YANDA

Licenses: 3284FD
Address: 800 Granite CT
Yukon, OK 73099

A Licensed Funeral Director
and the Funeral Director in Charge at

**YANDA AND SON FUNERAL HOME
& CREMATION SERVICES,**

Complaint No. 23-57



Respondents.

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, YANDA AND SON FUNERAL HOME & CREMATION SERVICES, YANDA AND SON FUNERAL HOME & CREMATION SERVICES INC., and DONNA YANDA, 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 YANDA AND SON FUNERAL HOME & CREMATION SERVICES (“Funeral Home”) is licensed by the Board, establishment license number 1330ES, and is located at 1500 W Vandament, Yukon, OK 73099.

2. Respondent DONNA YANDA (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director, license number 3284FD and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent YANDA AND SON FUNERAL HOME & CREMATION SERVICES, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent DONNA YANDA is the owner and registered agent for Respondent YANDA AND SON FUNERAL HOME & CREMATION SERVICES, 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 an Amended Conditional Administrative Order in State of Oklahoma, *ex re.* Glen Mulready v. Yanda and Son Funeral Home & Cremation Services, Inc., Case No. 20-0385-DIS (Exhibit “A”). This Order alleged that Yanda and Son Funeral Home & Cremation Services failed to obtain approval from the Insurance Commissioner before converting trust-funded prepaid funeral benefits to insurance-funded prepaid funeral benefits, in violation of 36 O.S. § 6136.18.

6. On May 18, 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 31, 2023, Respondents filed their response to Complaint 23-57 with the Board. Respondents stated that they paid the fine and have resolved all issues with the Insurance Department.

8. By public vote during the meeting on July 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. 235:10-7-2(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 Donna Yanda, 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 **SEPTEMBER 14, 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

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).

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 # 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

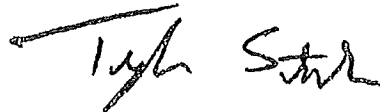
I hereby certify that on the 27th day of August, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

DONNA YANDA
800 Granite Ct
Yukon, OK 73099

YANDA AND SON FUNERAL HOME & CREMATION SERVICES, INC.
PO Box 850119
Yukon, OK 73085

YANDA AND SON FUNERAL HOME & CREMATION SERVICES
1500 W. Vandament
Yukon, OK 73099



Tyler Stiles, MBA
Executive Director

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
OCT 13 2020
INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,

v.

YANDA & SON FUNERAL HOME &
CREMATION SERVICES, INC.,
a pre-paid funeral benefit permit holder in the
State of Oklahoma,

Respondent.

Case No. 20-0385-DIS

RECEIVED

MAY 15 2023

OKLAHOMA FUNERAL BOARD

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

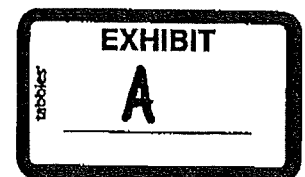
COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner,
by and through his attorney, Teresa L. Green, and alleges and states as follows:

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. Yanda & Son Funeral Home & Cremation Services, Inc. ("Respondent") is a pre-paid funeral benefit permit holder in the State of Oklahoma, permit number 863007. Its mailing address of record is P.O. Box 850119, Yukon, OK 73085-0119.

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).*

FINDINGS OF FACT

4. Pursuant to *36 O.S. § 6136.18*, the Insurance Commissioner shall approve a conversion from trust-funded prepaid funeral benefits to insurance-funded prepaid funeral benefits as safeguarding the rights and interests of the individual who purchases the prepaid funeral benefits contract.

5. Respondent's 2018 Annual Report names four (4) contracts on the PF-1-c.

6. Respondent's 2019 Annual Report names zero (0) contracts on the PF-1-c.

7. The total monies held in trust reported by Respondent on the 2018 and 2019 Annual Reports does not match.

8. Respondent explained to the Oklahoma Insurance Department that the change is due to converting the trust backed contracts into insurance backed contracts.

9. Respondent at no time has obtained approval from the Oklahoma Insurance Department to convert the trust-funded prepaid funeral benefits to insurance-funded prepaid funeral benefits for any of the four (4) contracts reported on the 2018 Annual Report on the PF-1-c.

CONCLUSIONS OF LAW

10. Respondent violated *36 O.S. § 6136.18* by failing to obtain approval from the Insurance Commissioner for conversion from trust-funded prepaid funeral benefits to insurance-funded prepaid funeral benefits when Respondent converted four (4) contracts between filing the 2018 Annual Report and filing the 2019 Annual Report from trust backed to insurance backed contracts.

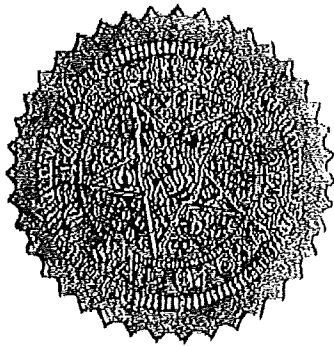
ORDER

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. § 6136.18. 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 13th day of October, 2020.



GLEN MULREADY

INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Teresa L. Green", written over a horizontal line.

Teresa L. Green, OBA #32897
Assistant 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

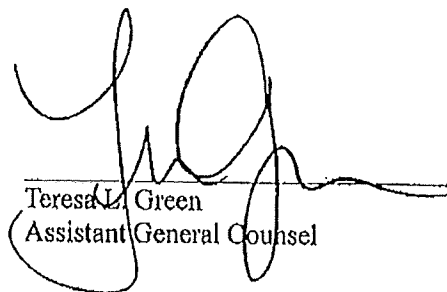
I, Teresa L. Green, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent by certified mail with postage prepaid and return receipt requested on this 13th day of October, 2020, to:

Yanda & Son Funeral Home & Cremation Services, Inc.
P.O. Box 850119
Yukon, OK 73085-0119

CERTIFIED MAIL NO:
9214 8902 0982 7500 0317 43

and a copy was delivered to:

RIS Division
Financial Division


Teresa L. Green
Assistant General Counsel

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

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

**YANDA AND SON FUNERAL HOME &
CREMATION SERVICES**

A Licensed Funeral Establishment,
Establishment License # 1330ES
1500 W Vandament
Yukon, OK 73099

owned by:

**YANDA AND SON FUNERAL HOME &
CREMATION SERVICES INC.**

PO BOX 850119
Yukon, OK 73085

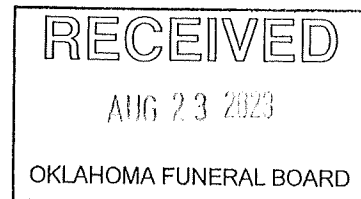
DONNA YANDA

Licenses: 3284FD
Address: 800 Granite CT
Yukon, OK 73099

A Licensed Funeral Director
and the Funeral Director in Charge at

**YANDA AND SON FUNERAL HOME
& CREMATION SERVICES,**

Complaint No. 23-59



Respondents.

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, YANDA AND SON FUNERAL HOME & CREMATION SERVICES, YANDA AND SON FUNERAL HOME & CREMATION SERVICES INC., and DONNA YANDA, 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 YANDA AND SON FUNERAL HOME & CREMATION SERVICES (“Funeral Home”) is licensed by the Board, establishment license number 1330ES, and is located at 1500 W Vandament, Yukon, OK 73099.

2. Respondent DONNA YANDA (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director, license number 3284FD and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent YANDA AND SON FUNERAL HOME & CREMATION SERVICES, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent DONNA YANDA is the owner and registered agent for Respondent YANDA AND SON FUNERAL HOME & CREMATION SERVICES, 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 19, 2023, Board staff received a Conditional Administrative Order in State of Oklahoma, *ex re.* Glen Mulready v. Yanda and Son Funeral Home & Cremation Services, Inc., Case No. 22-0783-DIS (Exhibit “A”). This Order alleged that Yanda and Son Funeral Home & Cremation Services failed to include necessary insurance company reports and a PF-2-a form in their 2021 annual report, in violation of 36 O.S. § 6128.

6. On May 22, 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 31, 2023, Respondents filed their response to Complaint 23-59 with the Board. Respondents stated that they paid the fine and have resolved all issues with the Insurance Department.

8. By public vote during the meeting on July 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. 235:10-7-2(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 Donna Yanda, 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 **SEPTEMBER 14, 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

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).

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 # 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

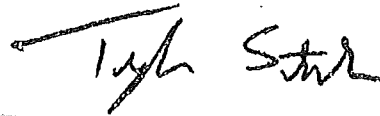
I hereby certify that on the 23rd day of August, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

DONNA YANDA
800 Granite Ct
Yukon, OK 73099

YANDA AND SON FUNERAL HOME & CREMATION SERVICES, INC.
PO Box 850119
Yukon, OK 73085

YANDA AND SON FUNERAL HOME & CREMATION SERVICES
1500 W. Vandament
Yukon, OK 73099



Tyler Stiles, MBA
Executive Director

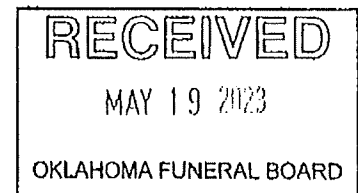
BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
YANDA & SON FUNERAL HOME &)
CREMATION SERVICES, INC)
Prepaid Funeral Services Permit No: 44199709)
)
Respondent.)

CASE NO. 22-0783-DIS

FILED
JAN 10 2023
INSURANCE COMMISSIONER
OKLAHOMA

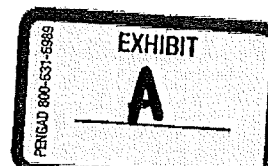
CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD



COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner,
by and through counsel, Antuanya "Bo" DeBose, and alleges and states as follows:

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7401, and the Prepaid Funeral Benefits Act 36 O.S. §§ 6121-6136.18.
2. Yanda & Son Funeral Home & Cremation, Inc. ("Respondent") is a permitted provider of Prepaid Funeral Benefit contracts in the state of Oklahoma and holds permit number 44199709. Respondent's address of record is 1500 West Vandament Ave, Yukon, Oklahoma 73099.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. §§ 6123 and 6130.
4. Pursuant to 36 O.S. § 6130(B) the Insurance Commissioner may censure, suspend, or revoke a prepaid funeral permit or impose a fine in the amount of \$100.00 to \$1,000.00 or impose both such punishment and fine, for violating any provision of the Prepaid Funeral Benefits Act.



5. If Respondent requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

FINDINGS OF FACT

6. Pursuant to *36 O.S. §6128*, "*Each organization shall file an annual report with the Insurance Commissioner on or before March 15 of each year in such form as the Insurance Commissioner may require, showing the names and addresses of all persons with whom contracts for prepaid funeral benefits have been made prior to December 31 of the preceding year which had not been fully discharged on December 31 and, also showing the date of the contract, the name of the bank or depository holding the trust fund and the amount of the trust fund under each contract on the preceding December 31.*"

7. Respondent filed its 2021 annual report on or about March 14, 2022.

8. Respondent's 2021 annual report is missing insurance company reports and the PF-2-a form.

9. On or about October 17, 2022, the Oklahoma Insurance Department's Financial division ("Financial") emailed Respondent and requested the insurance company reports along with the missing PF-2-a.

10. The Respondent has failed to file a PF-2-a and the missing insurance company reports.

CONCLUSIONS OF LAW

11. Respondent has violated *36 O.S. §6128* and *36 O.S. §6129.1* by failing to file the PF-2-a and the missing insurance company reports as part of its 2021 annual report.

ORDER

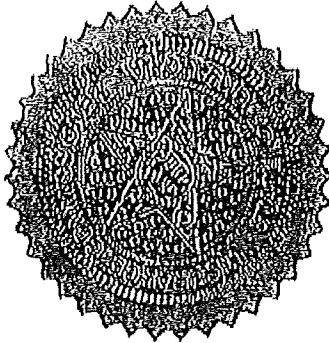
IT IS THEREFORE ORDERED that Respondent is **FINED** in the amount of **TWO HUNDRED DOLLARS (\$200.00)**. The fine shall be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department, located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that the Respondent shall file the PF-2-a, if needed, along with any other missing information regarding its 2021 annual report within thirty (30) days from the date 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 this Conditional Order, the penalties set forth above will become a Final Order on the 31st day following the date of mailing this Order. A request for hearing should be in writing and addressed to Antuanya "Bo" DeBosc, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, *36 O.S. §§ 101 et seq.*, and the Oklahoma Administrative Procedures Act, *75 O.S. §§ 250 through 324*. If the Respondent serves a request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a 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 shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 10th day of December, 2022.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A. DeBose
Antuanya "Bo" DeBose
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 522-4805
Bo.debose@oid.ok.gov

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 10th day of December, 2022, to:

Yanda & Son Funeral Home & Cremation Services, Inc.
1500 West Vandament Ave
Yukon, Oklahoma 73099.

CERTIFIED MAIL NO:
9214 8902 0982 7500 0516 66

and a copy was delivered to:

RIS and Financial Division

A. DeBose
Antuanya "Bo" DeBose
Assistant General Counsel

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

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

HENNINGER-HINSON FUNERAL HOME INC

A Licensed Funeral Establishment,
Establishment License # 1095ES
601 W Broadway
Enid, OK 73701

owned by:

HENNINGER-ALLEN FUNERAL HOME INC

PO Box 507
Enid, OK 73702

MATT HINSON

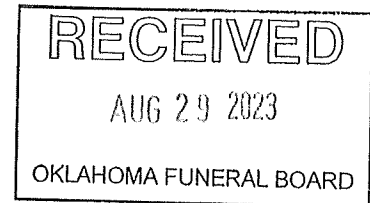
Licenses: 2938FD and 3320EM
Address: 906 Brookside
Enid, OK 73703

A Licensed Funeral Director
and the Funeral Director in Charge at

HENNINGER-HINSON FUNERAL HOME,

Respondents.

Complaint No. 23-71



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, HENNINGER-HINSON FUNERAL HOME INC, HENNINGER-ALLEN FUNERAL HOME INC., and MATT HINSON, 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 HENNINGER-HINSON FUNERAL HOME ("Funeral Home") is licensed by the Board, establishment license number 1095ES, and is located at 601 W Broadway, Enid, OK 73701.

2. Respondent MATT HINSON ("Funeral Director in Charge" or "FDIC") is licensed by the Board as a funeral director and embalmer, license numbers 2938FD and 3320EM and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent HENNINGER-ALLEN FUNERAL HOME, INC. ("Owner") is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent MATT HINSON is the owner and registered agent for Respondent HENNINGER-ALLEN 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 15, 2023, Board staff received an Amended Conditional Administrative Order in State of Oklahoma, ex re. Glen Mulready v. Henninger-Allen Funeral Home Inc, dba Henninger-Hinson Funeral Home, Case No. 23-0204-DIS (Exhibit "A"). This Order alleged that Henninger-Hinson Funeral Home failed to file a completed 2021 annual report, in violation of 36 O.S. § 6128 and 36 O.S. § 6129.1.

6. On May 18, 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 July 10, 2023, Respondents filed their response to Complaint 23-71 with the Board. Respondent's counsel stated that the \$500 fine was paid and the annual report was submitted.

8. By public vote during the meeting on August 10, 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 Matt Hinson, 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 **SEPTEMBER 14, 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.

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.

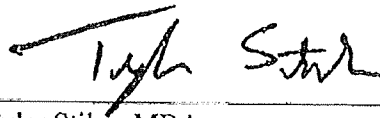
Kylie Cooper, OBA # 23758
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
kylie.cooper@oag.ok.gov
(405) 522-2894
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of August, 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:

MATT J. SEDBROOK
Sedbrook Law Firm, PC
1010 W. Maple
Enid, OK 73703
ATTORNEY FOR RESPONDENTS

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

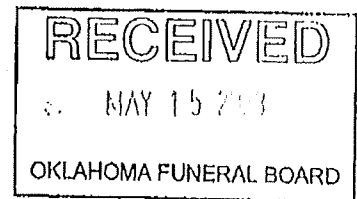
Tyler Stiles, MBA
Executive Director

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
HENNINGER-ALLEN FUNERAL HOME,)
INC, dba HENNINGER-HINSON FUNERAL)
HOME,)
)
Prepaid Funeral Services Permit No: 44200091)
)
Respondent,)

CASE NO. 23-0204-DIS

FILED
MAY 04 2023
INSURANCE COMMISSIONER
OKLAHOMA

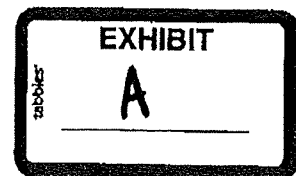


CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner,
by and through counsel, Antuanyia "Bo" DeBosc, and alleges and states as follows:

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7401, and the Prepaid Funeral Benefits Act 36 O.S. §§ 6121-6136.18.
2. Henninger-Allen Funeral Home, Inc d/b/a Henninger-Hinson Funeral Home ("Respondent") is a permitted provider of prepaid funeral benefit contracts in the state of Oklahoma and holds permit number 44200091. Respondent's address of record is PO Box 507, Enid, Oklahoma 73702-0507.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. §§ 6123 and 6130.



4. Pursuant to 36 O.S. § 6130(B) the Insurance Commissioner may censure, suspend, or revoke a prepaid funeral permit or impose a fine in the amount of \$100.00 to \$1,000.00 or impose both such punishment and fine, for violating any provision of the Prepaid Funeral Benefits Act.

5. If Respondent requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

FINDINGS OF FACT

6. Pursuant to 36 O.S. §6128, "Each organization shall file an annual report with the Insurance Commissioner on or before March 15 of each year in such form as the Insurance Commissioner may require, showing the names and addresses of all persons with whom contracts for prepaid funeral benefits have been made prior to December 31 of the preceding year which had not been fully discharged on December 31 and, also showing the date of the contract, the name of the bank or depository holding the trust fund and the amount of the trust fund under each contract on the preceding December 31."

7. Respondent filed its 2021 annual report on or about March 14, 2022 via OPTins.

8. Respondent's 2021 annual report is in need of many corrections and not complete;

a. The annual report has an Agreed Upon Procedures Report attached that is incomplete;

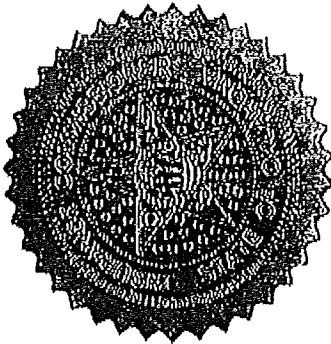
b. The PF-2-a does not equal the total from each insurance company report;

c. The PF-2-c does not have an amount listed for the Total of All Assignments Held.

9. The Oklahoma Insurance Department's Financial division ("Financial") emailed Respondent and requested Respondent make the required corrections to its annual report several times. The Respondent's Certified Public Accountant ("CPA") requested two (2) extensions,

Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 324. If the Respondent serves a request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a 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 shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 4th day of May, 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Antuanya "Bo" DeBose

Antuanya "Bo" DeBose
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 522-4805
Bo.debose@oid.ok.gov

CERTIFICATE OF MAILING


I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 4th day of May 2023, to:

Henninger-Allen Funeral Home, Inc
Attn: Henninger-Hinson Funeral Home
PO Box 507
Enid, Oklahoma 73702-0507
keri@enidwecare.com
matt@enidwecare.com

CERTIFIED MAIL NO:
9214 8802 0982 7500 0538 99

and a copy was delivered to:

RIS and Financial Division



Antuanya "Bo" DeBose
Assistant General Counsel