

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: August 10, 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 August 7, 2023 at 9:00AM. A copy of this agenda is available on the Funeral Board website at www.oklahoma.gov/funeral

If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to info@funeral.ok.gov.

*** This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call
2. Approval of the July 13, 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. Kansas Licensed Funeral Director Representative Update, with possible Board discussion
6. Review complaints with possible vote for probable cause or other action

21-30 – Embalming Issues

21-35 – Next of Kin Issues

23-61 – Unsatisfactory Service

23-63 – Vendor Payment Issues

23-66 – Body Intake Log Issues

23-69 – Overcharging

23-70 – Body Intake Log Issues

23-71 – Prepaid Funeral Benefit Issues

23-72 – Vendor Payment Issues

23-73 – Public Health Concerns

23-74 – Next of Kin

23-75 – Body Intake Log Issues, Casket Issues

24-01 – Next of Kin

24-02 – Body Intake Log

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

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

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

7A. Complaint 22-15 Brown's Durant Funeral Service & Crematory, Durant, Michael

Overton, Durant, FDIC. Member Matherly needs to be recused.

8. Matters for consideration: Consent Order or Scheduling Order

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

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

8A. Complaint 23-13 Baggerley Funeral Home, Edmond, SCI Oklahoma Funeral Service Inc, Owner. Member Roberts needs to be recused.

8B. Complaint 23-58 Palmer-Marler Funeral Home, Cushing, Ironwood Funeral Group LLC, Cushing, Riley Castor, FDIC, Agra. Member Roberts needs to be recused.

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

A. Apprenticeship (Original)

1. Tyler Smith, Tulsa, Bixby-South Tulsa, Bixby
2. Ariana Stevens-Mujica, Noble, Cruz Family FH, OKC
3. Molly Moore, Norman, OMS, OKC
4. Brittany Brown, OKC, Bill Eisenhower FH, OKC
5. Chelsea Raymond, Yukon, Hahn-Cook, OKC

B. Apprenticeship (1st extension)

1. Tara Cook, Tulsa, Dillon FS, Tulsa (FD Only)
2. Tamela Cheadle-Lewis, Ardmore, Harvey-Douglas FH, Ardmore
3. Kammi Robinson-Snodgrass, Lone Grove, Craddock, Ardmore
4. Jonathan Broce, Bethany, Memorial Park, OKC
5. Gage Hart, Geronimo, Hart-Wyatt FH, Walters

C. Apprenticeship (2nd extension)

1. Melissa Delgado, Norman, Havenbrook, Norman

D. Funeral Director and/or Embalmer (Reciprocal)

1. Stuart Thompson, Texas
2. Rodney Ford, Texas
3. Georgia Brasier, Texas

E. Funeral Director and/or Embalmer (Original)

1. Shelby Schrader, Broken Bow (FD Only)
2. Jordyn Coulson, Stillwater
3. Hillary Hatchett, OKC
4. Gerald Thompson, Henryetta (FD Only)
5. Landis Thompson, Cushing
6. Morghane Gonzalez, OKC
7. Carrie Davis, Owasso (FD Only)
8. Daysha Ross, Stilwell (EM Only)

F. Establishments

1. Stumpff-Barnsdall FH, Barnsdall, request to change FDIC from Kendra Soley to Paul Bruns
2. Stumpff-Nowata FH, Nowata, request to change FDIC from Scott Holz to Kendra Soley
3. Stumpff FH & Crematory, Bartlesville, request to change FDIC from Scott Holz to Kendra Soley
4. County Cremation Service, Ponca City, request to change FDIC from Shayna Coon to Brian Friend

G. Crematories

1. AE Cremation Services, Shawnee, New Crematory, AE Cremation Services LLC, Shawnee, Owner, Donald Tramel, Shawnee, FDIC
 2. Regional Cremation Service Bartlesville, request to change FDIC from Scott Holz to Kendra Soley
10. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
 11. **Executive Director's Report**
 - A. Agency Financial Update
 - B. International Conference National Exam Statistics Update
 - C. Licensing Statistics Update
 12. Discussion and possible action regarding continuing education hours for tours of the Medical Examiner's Tulsa and OKC Offices in 2023
 13. **Adjournment**

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: September 14, 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

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

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

Motion by Highberger second by Corbett to approve the June 8, 2023 Regular Board meeting minutes. The motion passed unanimously.

Dustin Pierce with OKFDA reported that 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.

Rowena Ehrman, with the Regulated Industry Services Division from OID reported that RIS encourages open communication to ensure compliance via email or phone. HB1956 passed and tax suspensions will no longer be a determining factor when issuing a Preneed FH Benefit Permit. Establishments will still need to be active with the Secretary of State. OID will send correspondence to those inactive and the FH will have 30 days to respond, or the permit will expire naturally. The entity will then need to submit a new application and subject to administrative actions.

Motion by Roberts second by Corbett to find probable cause on complaint 23-16 regarding Vendor Payment Issues. The motion passed unanimously.

Motion by Highberger second by Coble to dismiss complaint 23-52 regarding Body Intake Log Issues with a letter of concern. The motion passed unanimously.

Motion by Roberts second by Highberger to find probable cause on complaint 23-53 regarding Preneed Benefit Issues. The motion passed unanimously.

Motion by Highberger second by Coble to dismiss complaint 23-55 regarding Death Certificate Issues. The motion passed unanimously.

Motion by Roberts second by Corbett to find probable cause on complaint 23-57 regarding Preneed Benefit Issues. The motion passed unanimously with member Corbett abstaining.

Motion by Highberger second by Coble to find probable cause on complaint 23-58 regarding Body Intake Log Issues. The motion passed unanimously.

Motion by Coble second by Roberts to find probable cause on complaint 23-59 regarding Prepaid Funeral Benefit issues. The motion passed unanimously.

Motion by Highberger second by Coble to find probable cause on complaint 23-60 regarding Unlicensed Practice. The motion passed unanimously.

Motion by Highberger second by Corbett to dismiss complaint 23-62 regarding Unlicensed Practice with a letter of concern. The motion passed unanimously.

Motion by Coble second by Highberger to find probable cause on complaint 23-64 regarding Vendor Payment Issues. The motion passed unanimously.

Motion by Highberger second by Coble to dismiss complaint 23-65 regarding Vendor Payment Issues with a letter of concern. The motion passed unanimously.

Motion by Highberger second by Coble to dismiss complaint 23-67 regarding Body Intake Log Issues with a letter of concern. The motion passed unanimously.

Motion by Roberts second by Coble to dismiss complaint 23-68 regarding Crematory 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. Motion by Roberts second by Davenport to continue the Motion to Enforce until August. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-54 Hartwell Funeral Home, Tishomingo, Staci Hartwell-Helm, Tishomingo, FDIC, Grove & Hartwell Inc, Tishomingo, Owner. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Davenport, Dunn, and Roberts heard the case. Member Highberger was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Coble to accept the consent order. The consent order consisted of the following: The agreed violations were: failure to file an affidavit with the Oklahoma Insurance Department, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$100. The motion passed unanimously.

Member Highberger reentered the room.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Rodd Wood, Shawnee, McElyea and Owens, Shawnee; John Rainey, Idabel, Nunley's FH, Idabel(FD Only); Kari Norberto, Lawton, Comanche Nation FH, Lawton; Tyler Robbins, Bartlesville, Davis Family FH, Bartlesville; Madelyn Gray, Kremlin, Anderson-Burris FH, Enid. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (1st Extension). Theodore Jones, Chelsea, DeLozier FS, Chelsea; Carson Garrett, Fort Gibson, Clifford D Garrett FH, Muskogee; Camryn Garrett, Muskogee, Clifford D Garrett FH, Muskogee; Alycia Rispoli, Tulsa, Green Hill FH, Sapulpa; Abby Jones, Norman, Primrose, Norman; Matthew Taylor, Bartlesville, Moore FH, Tulsa; Kaitlin Hawkins, Stilwell, Hart FH, Tahlequah. The motion passed unanimously.

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

Motion by Roberts second by Coble to approve the following: Apprenticeship (2nd Extension). Elvis Keel, Elgin, Whinery-Huddleston FS, Lawton; Heidi Mullings, Bixby, Schaudt FS, Tulsa (FD Only). The motion passed unanimously.

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

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

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Reciprocal), Jason Dickinson, Tennessee. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Tyler Johnson, Commerce (FD Only); Randy Brice, Muskogee (EM Only); Katelin Love-Clements, Spencer (EM Only). The motion passed unanimously.

Motion by Roberts second by Coble to table the following: Funeral Director and/or Embalmer (Original), Shelby Schrader, Broken Bow (FD Only); Jordyn Coulson, Stillwater. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishments, Kester Family Funeral Service, LLC, Stilwell, New Establishment, Kester Family Funeral Service, LLC, Owner, Brian Kester, Tahlequah, FDIC; Holt Funeral & Cremation, Poteau, New Establishment, Holt Funeral & Cremation, LLC, Poteau, Owner, Tracy Holt, Poteau, FDIC; Ray Fransisco Embalming Service, Tulsa, request to change FDIC from Ray Fransisco to Jimmy Beggs; Affordable Cremation

Service, OKC, request to change FDIC from Lyndel Hamilton to Monica Kroier; Oklahoma Mortuary Trade Service, LLC, OKC, request to change FDIC from John Astle to Kylie Niedziela. The motion passed unanimously.

Motion by Roberts second by Coble to approve the following: Crematories-Cremations of the Wichitas, Lawton, New Crematory, Asbury Services, LLC, Geronimo, Owner, Jeremiah Asbury, Geronimo, FDIC; Ray Fransisco Embalming Service & Crematory, Tulsa, request to change FDIC from Ray Fransisco to Jimmy Beggs. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Crematories-AE Cremation Services, Shawnee, New Crematory, AE Cremation Services LLC, Shawnee, Owner, Donald Tramel, Shawnee, FDIC. The motion passed unanimously.

New business: Mr. Stiles was notified by the Governor's office of a new public Board member late Wednesday, July 12, 2023. The new member is Howard Glenn Dunn of Oklahoma City. Mr. Dunn was sworn in and is replacing Mike Sanders.

Agency Financial update- Mr. Stiles reported gross receipts for June 2023 to be \$5,735.00 with \$523.50 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$39,327.04 and net income after expenses totaled -\$34,115.54. Cash balances have increased from FY19 by 49%. FY19-FY20 was 15% increase, FY20-FY21 was 3% increase, FY21-FY22 was 6.5% increase, and FY22-FY23 was 17% increase.

Liz Stevens, AAG Board Advisor, provided a presentation regarding the Open Meeting Act, Open Records Act, and public Official Ethics.

Motion by Highberger second by Coble to re-appoint Jim Roberts as president. The motion passed unanimously.

Motion by Roberts second by Highberger to re-appoint Brent Matherly as vice-president. The motion passed unanimously.

Motion by Highberger second by Davenport to adjourn the meeting at 10:45AM. The motion passed unanimously.

Jim Roberts
Oklahoma Funeral Board President

BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA

IN THE MATTER OF THE COMPLAINT
AGAINST:

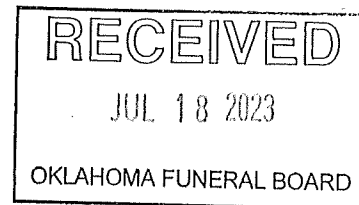
MICHAEL D. OVERTON
Licenses: 3140FD and 3518EM
Address: 1705 Smith St.
Durant, OK 74701

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

BROWN'S DURANT FUNERAL SERVICE
& CREMATORY,

Respondents.

Complaint No. 22-15



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

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

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

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

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

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

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

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

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

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

SECOND NOTICE OF HEARING

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

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

Respectfully submitted:



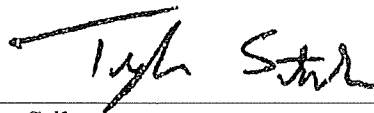
Kylie Cooper, OBA # 32758
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
PHONE: (405) 522-2894
FAX: (405) 522-4536
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served by certified as follows:

TRANSMITTED BY CERTIFIED MAIL:

Michael Overton
1705 Smith St.
Durant, OK 74701



Tyler Stiles
Executive Director

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

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

BAGGERLEY FUNERAL HOME

A Licensed Funeral Establishment,
Establishment License # 1087ES
930 South Broadway
Edmond, OK 73034

owned by:

SCI OKLAHOMA FUNERAL SERVICE INC.

1929 Allen Parkway
Houston, TX 77019

SAMUEL FLORES

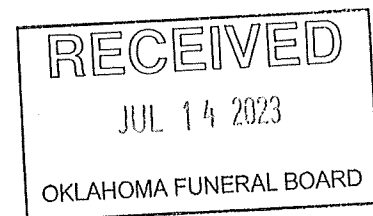
Licenses: 3316FD and 3682EM,
Address: 2712 Morrison Trail
Edmond, OK 73012

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

BAGGERLEY FUNERAL HOME,

Respondents.

Complaint No. 23-13



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, BAGGERLEY FUNERAL HOME, SCI OKLAHOMA FUNERAL SERVICE INC., and SAMUEL FLORES, 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 BAGGERLEY FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1087ES, and is located at 930 South Broadway, Edmond, OK 73034.

2. Respondent SAMUEL FLORES (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 3316FD and 3682EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent SCI OKLAHOMA FUNERAL SERVICE INC (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent SAMUEL FLORES is the registered agent for Respondent SCI OKLAHOMA FUNERAL SERVICE 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 September 15, 2022, Board staff received a complaint from Amanda Levine regarding a pre-need contract between her father and Baggerley Funeral Home and the services that followed.

6. Subsequently, Board staff filed a complaint with the Board, alleging that Respondents were in violation of 21 O.S. § 1158, because the decedent had entered into a pre-need funeral services contract that met the requirements of the State of Oklahoma and this contract was changed.

7. Further, Board staff alleged a violation of 36 O.S. § 6125(K), because the Funeral Home accept funds from Ms. Levine in excess of the contracted price of the prepaid funeral contract.

8. Further, Board staff alleged a violation of OAC 235:10-7-2(14) for failing to file the death certificate in a timely manner, as required by law. The death occurred on May 13, 2022, and the death certificate was not filed until May 31, 2022.

9. On September 27, 2022, Respondents filed their response to Complaint 23-13 with the Board. Respondents stated that they had refunded all amounts out and that the Funeral Director who handled the services is no longer employed by their Funeral Home.

10. By public vote during the meeting on December 8, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

11. 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

12. Respondents violated 21 O.S. § 1158 and the right to control one's disposition of their remains and arrangements for funeral goods and services, when they failed to follow the valid pre-need contract entered in to by the decedent.

13. Further, Respondents violated 36 O.S. § 6125(K) when they charged his daughter, Amanda Levine, in excess of the contracted price of prepaid funeral benefits purchased.

14. Further, Respondents violated OAC 235:10-7-2(14) for failing to file the death certificate in a timely manner.

15. 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 SAMUEL FLORES, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

16. 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

17. 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.

18. 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.*

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

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).

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
(405) 522-2894
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

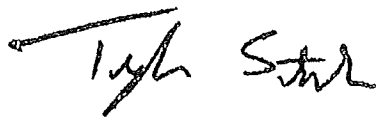
I hereby certify that on the 14th day of July, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

SAMUEL FLORES
2712 Morrison Trail
Edmond, OK 73012

BAGGERLEY FUNERAL HOME
930 South Broadway
Edmond, OK 73034

SCI OKLAHOMA FUNERAL SERVICE INC.
1929 Allen Parkway
Houston, TX 77019

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:**

Palmer Marler Funeral Home
A Licensed Funeral Establishment,
Establishment License # 1918ES
800 South Linwood Avenue
Cushing, OK 74023

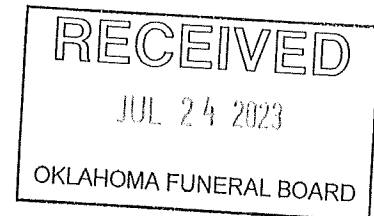
owned by:
Ironwood Funeral Group LLC
PO Box 710
Cushing, OK 74023

Riley Castor
Licenses: 3261FD and 3633EM,
Address: 750790 South 18
Agra, OK 74824
A Licensed Funeral Director and Embalmer
and the Funeral Director in Charge at

PALMER MARLER FUNERAL HOME,

Respondents.

Complaint No. 23-58



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, PALMER MARLER FUNERAL HOME, IRONWOOD FUNERAL GROUP LLC, and RILEY CASTOR, 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 PALMER MARLER FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1918ES, and is located at 800 South Linwood Avenue, Cushing, OK 74023.

2. Respondent RILEY CASTOR (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 3261FD and 3633EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent IRONWOOD FUNERAL GROUP LLC (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent RILEY CASTOR is the owner and registered agent for Respondent IRONWOOD FUNERAL GROUP 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 May 18, 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 reflected under “care given;” the embalmer did not sign the Log under “embalmer signature;” and the name, signature, and license number of the embalmer is not in the Log.

6. On May 18, 2023, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii). The Board provided Respondents with the Notice of Complaint via certified letter, which was mailed on the date the complaint was filed. .

7. On May 30, 2023, Respondents filed their response to Complaint 23-58 with the Board. Respondents acknowledged the log was sent without being signed by the embalmer and state that it had been corrected. They further stated that their staff underwent additional training.

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. 235:10-3-2(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 RILEY CASTOR, 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 **AUGUST 10, 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 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

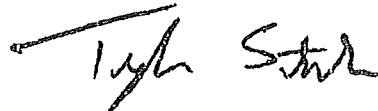
I hereby certify that on the 24th day of July, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

PALMER MARLER FUNERAL HOME
800 South Linwood Avenue
Cushing, OK 74023

IRONWOOD FUNERAL GROUP LLC
PO BOX 710
Cushing, OK 74023

RILEY CASTOR
750790 South 18
Cushing, OK 74824

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

Tyler Stiles, MBA
Executive Director

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