

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: October 10, 2024 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 October 7, 2024 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.

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

1. Roll Call
2. Swearing in and oath of office for newly appointed Board Member
Bart Watkins of Vici
3. Approval of the September 12, 2024 Regular Board meeting minutes
4. Oklahoma Funeral Director's Association Update from a Representative of OKFDA, with possible discussion
5. Oklahoma Insurance Department Update from a Representative of OID, with possible discussion
6. Review complaints with possible vote for probable cause or other action
 - 25-07 Unprofessional Staff
 - 25-09 Next of Kin Issues
 - 25-10 Cremation Permit/Death Certificate Issues

25-11 Non-payment of Vendor

7. Matters for consideration: Consent Order or Scheduling Order

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

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

7A. Complaint 25-01, Vondel L. Smith and Son Mortuary, Inc, OKC, Vondel L. Smith and Son Mortuary, Inc, OKC, Owner, Charles Trevor Smith, FD and EM, Derek Czajkoski, Newalla, FDIC. Member Matherly needs to recuse.

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

A. Apprenticeship (Original)

1. Kirsten Kizer, Kellyville, Traditions F&CS, Kellyville
2. Sharari Adams, Idabel, Nunley's FH, Idabel (FD Only)
3. Tiffany Manley, Kingfisher, Sanders FH, Kingfisher
4. Samantha Horschler, Lawton, Asbury Mortuary, Lawton
5. Kathleen Salas Roldan, Tulsa, Schaudt's FS&C, Glenpool

6. Glenn Kias Palmer-Roberts, Guthrie, Bill Eisenhower FH, OKC (EM Only)
7. Aeryn Rekward, Edmond, Ford FS, MWC

B. Apprenticeship (1st Extension)

1. Charles Grisham, Henryetta, Integrity FS, Henryetta
2. Kloie Clegg, Claremore, Rice FS, Claremore
3. Ariana Stevens-Mujica, OKC, Advantage F&CS, OKC

C. Apprenticeship (2nd Extension)

1. Lauren Sloan, Sapulpa, Smith FH, Sapulpa

D. Apprenticeship (3rd Extension)

1. Mathew Burch, Antlers, Serenity FS, Antlers

E. Funeral Director and/or Embalmer (Original)

1. Alpha Alex, OKC (EM Only)
2. Joshua Smith, Guthrie
3. Ruth Ewing, Bixby
4. Amy Borazjani, Weatherford (FD Only)
5. Chelsea Evans, Broken Arrow
6. Reagan Crenshaw, Edmond (EM Only)

F. Establishments

1. Whinery Funeral Service and Cremation Center, Elk City, New Establishment, Affordable, Inc., Owner, Elk City, Chris Whinery, FDIC, Elk City
2. Reynolds+Adamscrest Funeral Service, Tulsa, request to change name to Reynolds-Holz Cremation and Funeral Service

3. Ferguson Funeral Home, Chickasha, request to close
 4. Ferguson Funeral Home, Chickasha, new establishment, Ferguson & Son Funeral Home LLC, Owner, Chickasha, Christopher Ferguson, FDIC, Chickasha
 5. Grace Funeral Service LLC, Poteau, request to change name to Dowden-Roberts Cremation Center, LLC
 6. Dighton-Moore FS, Owasso, request to change FDIC from Deena Nickerson to Cynthia Ross
 7. Alternatives Cremation & Funeral Service, New Establishment, OKC, Alternatives Cremation and Funeral Service LLC, Owner, Richard Varner, FDIC
9. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
10. **Strategic Planning: Discussion and possible action regarding change of Board Statutes or Board Rules:**
- A. Discussion and possible action to authorize the agency to begin the 2025 permanent rulemaking process, in consultation with legal counsel, to include revising rules including, but not limited to, OAC 235:10-3-2(11), 235:10-14-1, 235:10-15-3, and/or adding new rules
 - B. Discussion and possible action to authorize the agency to begin the 2025 legislative session bill making process, in consultation with legal counsel, in coordination with legislators, to include revising statutes including, but not limited to, §59-396.29, §59-396.30, and/or adding new statutes.
 - C. OAC 235:10-3-2(11) Transferability Rule Change of FDIC and/or Name Change application
 - D. Requirement of Specific Number of Caskets in Selection Room
 - E. Creation of Penalty Schedule for Complaints
 - F. Removal of Non-Payment of Vendor Complaints/Violation
 - G. NBE Administered by The Conference/Creation of State Administered Board Exam

- H. Additional Statute or rule change suggestions from Board Members and Board Staff
- I. Committee report, committee discussion, and Board discussion for Updating Cremation Statutes and Rules

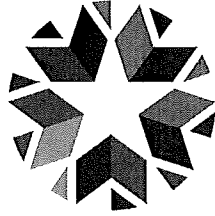
11. Executive Director's Report

- A. Agency Financial Update

12. Adjournment

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:
November 14, 2024. 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

September 12, 2024

BOARD MEMBERS

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

STAFF

Rochelle Covington
Tyler Stiles
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.

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

Motion by Highberger second by Davenport to approve the August 8, 2024 Regular Board meeting minutes. The motion passed unanimously with member Coble abstaining.

Ronnie Dighton with OKFDA provided the following update: district meetings will start next week. Sept 17, will be at Lucille's Roadhouse in Weatherford, Sept. 19 will be at Ted's in OKC, Sept 24 will be at Big Belly Deli in Marlow, Sept 26 will be at Casa Romo in Ardmore, Oct 1 will be Pete's Place in Krebs, Oct 3 will be at Rachel's Kitchen in Chouteau. OKFDA will have their Celebrant Training Nov. 6-8 in OKC. Visit their website for more details.

OID did not provide an update.

Social Security Administration Update from a Representative of SSA, with possible discussion -Sawyer-Smith with SSA provided literature for Survivors' Benefits. Their website has the literature, with useful information, for you to order as many pamphlets as you need for your establishment to hand to consumers.

<https://www.ssa.gov/pubs/EN-05-10084.pdf>

<https://www.ssa.gov/pubs/EN-05-10077.pdf>

Motion by Matherly second by Highberger to find probable cause on complaint 24-16 regarding Death Certificate Issues. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 24-31 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 25-02 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 25-04 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Highberger second by Matherly to find probable cause on complaint 25-05 regarding Cremation Permit Issues/FTC Issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 24-05 Keith D. Biglow Funeral Directors, Inc-Okmulgee, Keith D. Biglow Funeral Directors, Inc, Muskogee, Owner, Keith Biglow, Muskogee, FDIC. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Dunn, Highberger, and Matherly heard the case. Member Davenport was recused 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: not filing 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 \$7,000, 6 hours of additional CE, \$1,595 restitution, \$500 costs. The motion passed unanimously.

Member Davenport reentered the room.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 24-19 Martin-Dugger Funeral Home, Elk City, Dugger Funeral Services, Inc, Owner, Elk City, Richard L. Dugger II, FDIC, Elk City. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Davenport, Dunn, Highberger, and Matherly heard the case. Member Corbett was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Coble to accept the consent order. The consent order consisted of the following: The agreed violations were: The agreed violations were: failing to provide payment to a vendor within 90 days, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$3,000, 6 hours of additional CE, restitution in the amount owed to the vendor, \$500 costs. The motion passed unanimously.

Member Corbett reentered the room.

Motion by Coble second by Highberger to approve the following: Apprenticeship (Original) Gracie Morris, Enid, Ladusau-Evans, Enid; Larry Cisneros, Broken Arrow, Rice, Catoosa; Carrie Witchey, Edmond, Bill Eisenhower, OKC; Brittany Lumley, (FD Only), Indianola, Hunn, Black & Merritt, Eufaula; Kevin Bragg, (FD Only), Ponca City, Trout, Ponca City; Caitlin Robinson, OKC, Barnes Friederich, MWC; Jessica Martin, Hobart, Peoples Cooperative, Lone Wolf; Elizabeth Gorman, Edmond, Memorial Park, OKC. The motion passed unanimously.

Motion by Coble second by Davenport to approve the following: Apprenticeship (1st extension) Douglas Bevill, Jr, (FD Only), Cleveland, Chapman-Black, Cleveland; April Kile, (FD Only), Chickasha, Sevier, Chickasha; Maddison Smith, OKC, Oklahoma Mortuary Service, OKC. The motion passed unanimously.

Motion by Coble second by Davenport to approve the following: Apprenticeship (2nd Extension). Trysta Kershner, Marietta, Matthews F&CS, Edmond; Emily Eastman, Broken Arrow, Floral Haven, Broken Arrow; Alpha Alex, OKC, Resthaven, OKC; Courtney Maine, Pauls Valley, Wooster, Pauls Valley; Rose Smith, Ada, Phillips, Ada; Benjamin Young, Wayne, Wilson-Little, Purcell; Tamela Cheadle-Lewis, Ardmore, Harvey-Douglas, Ardmore; Tabitha Brown, Stillwater, Strode, Stillwater. The motion passed unanimously.

Motion by Coble second by Highberger to approve the following: Apprenticeship (3rd Extension). Holland Dugdale, Glenpool, McClendon-Winters, Okmulgee. The motion passed unanimously.

Motion by Coble second by Davenport to approve the following: Apprenticeship (4th Extension). Brighton Potter, Tulsa, Gary Kelley's Add'vantage, Tulsa. The motion passed unanimously.

Motion by Coble second by Davenport to approve the following: Funeral Director and/or Embalmer (Reciprocal), Steven Carberry, Texas. The motion passed unanimously.

Motion by Coble second by Davenport to approve the following: Funeral Director and/or Embalmer (Original), Glenn Kias Palmer-Roberts, Guthrie (FD only); Aidan Parker, Lawton (FD Only); Jessica Brewer, Holdenville; Reagan Crenshaw, Edmond (FD Only). The motion passed unanimously.

Motion by Coble second by Davenport to table the following: Funeral Director and/or Embalmer (Original), Alpha Alex, OKC (EM Only). The motion passed unanimously.

Motion by Coble second by Highberger to approve the following: Establishments, Vondel L. Smith & Son Mortuary (N. Macarthur), OKC, request to change FDIC from Joseph Baxter to Derek Czajkoski; Tribute Memorial Care LLC, Norman, request to close establishment; Tribute Memorial Care LLC, Norman, New Establishment, Tribute Memorial Care LLC, Norman, Owner, Samuel Flores, Edmond, FDIC; Wooster FH, Pauls Valley, request to change FDIC from Gary Wooster to Charles Wooster; Wooster FH, Elmore City, request to change FDIC from Gary Wooster to Charles Wooster The motion passed unanimously.

Motion by Coble second by Highberger to table the following: Establishments, Whinery Funeral Service and Cremation Center, Elk City, New Establishment, Affordable, Inc., Owner, Elk City, Chris Whinery, FDIC, Elk City. The motion passed unanimously.

Motion by Coble second by Highberger to approve the following: Commercial Embalming Establishments, Southern Plains Mortuary & Transport Service, Walters, request to close establishment. The motion passed unanimously.

Motion by Coble second by Highberger to approve the following: Crematories, Oklahoma Cremation Service, OKC, request to change FDIC from Joseph Baxter to Derek Czajkoski. The motion passed unanimously.

There was no new business

Strategic Planning: Discussion and possible action regarding change of Board Statutes or Board Rules: Statute or rule change suggestions from Board Members and Board Staff- Mr. Stiles recommended that the Board change OAC 235:10-3-2(11) to reflect actual procedures. For a name change or FDIC change, a new establishment license is not needed and the fee is different than a new establishment. -Member Davenport recommended that the Board remove the requirement for 5 caskets or corner cuts.-Member Corbett recommended that the Board/Board staff create a penalty schedule to assist with transparency.-Member Corbett recommended discussion regarding vendor complaints to ensure that the Board is recouping costs or if the Board should act as the enforcement entity for these type of complaints prior to a judge administering a ruling. Member Davenport recommend that the Board consider moving away from the NBE administered by The Conference.

Public Comment limited to 2 minutes per person and limited to proposed statute or rule changes-Jeremy Sparks with SCI requested to yield his time for the cremation discussions at a later date.-Solon Daniels with John Ireland FH, stated that he agrees with moving away from the NBE and as a collection agency.-Marcus Crawford with Crawford FH, stated that it would be beneficial to change the time of when applicants are eligible to take the law exam and not have to wait until all other documents are submitted to help get licensed faster, working vendor complaints helps to protect the consumer and should remain in the rules, agreed with removing the casket requirement since able to provide this on a computer while making arrangements.-Nate Gradney whom is not with an establishment, stated that he agreed that OFB should move away from the NBE because there are too many questions on the exam and most are filled with nonsense questions that do not pertain to the duties of a licensed FD or EM.

No votes were taken regarding statute or rule changes.

Agency Financial update- Mr. Stiles reported gross receipts for August 2024 to be \$5,016.40 with \$501.64 going to the State of Oklahoma general fund. The

expenses for the same timeframe totaled \$27,702.56 and net income after expenses totaled -\$23,187.80

Motion by Highberger second by Davenport to adjourn the meeting at 10:54AM. The motion passed unanimously.

Brent Matherly
Oklahoma Funeral Board President

DRAFT

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

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

VONDEL L. SMITH & SON MORTUARY, INC
A Licensed Funeral Establishment,
Establishment License # 1211ES
PO Box 891320
Oklahoma City, OK 73189

owned by:
VONDEL L. SMITH & SON MORTUARY, INC
PO Box 891320
Oklahoma City, OK 73189

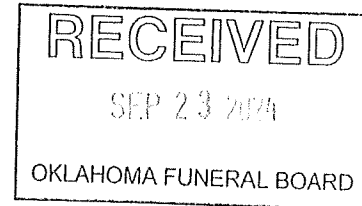
CHARLES TREVOR SMITH
PO Box 891320
Oklahoma City, OK 73189

DEREK CZAJKOSKI
Licenses: 2859FD and 3243EM
Address: 9617 Shady Court
Newalla, OK 74857
A Licensed Funeral Director and Embalmer
and the Funeral Director in Charge at

VONDEL L. SMITH & SON MORTUARY, INC,

Respondents.

Complaint No. 25-01



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, VONDEL L. SMITH & SON MORTUARY, VONDEL L. SMITH & SON MORTUARY, INC., CHARLES TREVOR SMITH, and DEREK CZAJKOSKI, 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 VONDEL L. SMITH & SON MORTUARY (“Funeral Home”) is licensed by the Board, establishment license number 1211ES, and is located at 6934 S. Western, Oklahoma City, OK 73139.

2. Respondent DEREK CZAJKOSKI (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2859FD and 3243EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent CHARLES TREVOR SMITH is licensed by the Board as a funeral director and embalmer, license numbers 3268FD and 3646EM and at all relevant times was employed by VONDEL L. SMITH & SON MORTUARY, INC.

4. Respondent VONDEL L. SMITH & SON MORTUARY, INC (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent DEREK CZAJKOSKI is the owner and registered agent for Respondent VONDEL L. SMITH & SON MORTUARY, INC.

5. 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

6. On or about July 8, 2024, Board staff received a complaint from an employee who was previously employed with Vondel L. Smith & Son Mortuary, Inc.

7. This complaint alleged that on April 29, 2022, Charles Smith, pointed a firearm in the face of Mel Moore in a threatening manner. The firearm was loaded with a magazine at the time, although it is unclear if a bullet was in the chamber.

8. On April 4, 2024, Board staff processed the complaint, alleging that Respondents had violated Board rule O.A.C. 235:10-7-2(26)(b)(ii) which states, "A licensee shall refrain from engaging in acts or practices that constitute threats, coercion, or extortion." The Board provided Respondents with the Notice of Complaint via certified mail, which was delivered on July 12, 2024.

9. On July 15, 2024, Respondents filed their response to Complaint 25-01 with the Board. Respondents noted that the incident took place over two years ago and stated that the funeral home conducted their own internal investigation, which resulted in Charles Smith being placed on probation for 60 days.

10. By public vote during the meeting on August 8, 2024, 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. Respondent Charles Trevor Smith violated O.A.C. 235:10-7-2(26)(b)(ii) by pointing a firearm in the face of a coworker in a threatening manner. The relevant Rule, O.A.C. 235:10-7-2(26)(b)(ii), provides, "A licensee shall refrain from engaging in acts or practices that constitute threats, coercion, or extortion."

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

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

AUTHORIZED PENALTIES

15. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations¹; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

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

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).

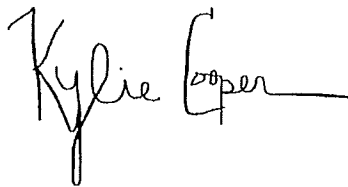
17. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12c(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **October 10, 2024**, at **10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

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

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is written in a cursive style with a horizontal line extending to the right 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 23 day of Sept, 2024, 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:

Shawn Fulkerson
10444 Greenbriar Place, Suite A
Oklahoma City, OK 73159
ATTORNEY FOR RESPONDENTS



Tyler Stiles, MBA
Executive Director