

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 12, 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 September 10, 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. Approval of the August 8, 2024 Regular Board meeting minutes
3. Oklahoma Funeral Director's Association Update from a Representative of OKFDA, with possible discussion
4. Oklahoma Insurance Department Update from a Representative of OID, with possible discussion
5. Social Security Administration Update from a Representative of SSA, with possible discussion
6. Review complaints with possible vote for probable cause or other action

24-16 Death Certificate Issues

24-31 Next of Kin Issues

25-02 Next of Kin Issues

25-04 Next of Kin Issues

25-05 Cremation Permit Issues/FTC Issues

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 24-05 Keith D. Biglow Funeral Directors, Inc-Okmulgee, Keith D. Biglow Funeral Directors, Inc, Muskogee, Owner, Keith Biglow, Muskogee, FDIC. Member Davenport needs to be recused.

7B. Complaint 24-19 Martin-Dugger Funeral Home, Elk City, Dugger Funeral Services, Inc, Elk City, Owner, Richard Dugger, II, Elk City, FDIC. Member Corbett needs to be recused.

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

A. Apprenticeship (Original)

1. Gracie Morris, Enid, Ladusau-Evans, Enid
2. Larry Cisneros, Broken Arrow, Rice, Catoosa

3. Carrie Witchey, Edmond, Bill Eisenhower, OKC
4. Brittany Lumley, (FD Only), Indianola, Hunn, Black & Merritt, Eufaula
5. Kevin Bragg, (FD Only), Ponca City, Trout, Ponca City
6. Caitlin Robinson, OKC, Barnes Friederich, MWC
7. Jessica Martin, Hobart, Peoples Cooperative, Lone Wolf
8. Elizabeth Gorman, Edmond, Memorial Park, OKC

B. Apprenticeship (1st Extension)

1. Douglas Bevill, Jr, (FD Only), Cleveland, Chapman-Black, Cleveland
2. April Kile, (FD Only), Chickasha, Sevier, Chickasha
3. Maddison Smith, OKC, Oklahoma Mortuary Service, OKC

C. Apprenticeship (2nd Extension)

1. Trysta Kershner, Marietta, Matthews F&CS, Edmond
2. Emily Eastman, Broken Arrow, Floral Haven, Broken Arrow
3. Alpha Alex, OKC, Resthaven, OKC
4. Courtney Maine, Pauls Valley, Wooster, Pauls Valley
5. Rose Smith, Ada, Phillips, Ada
6. Benjamin Young, Wayne, Wilson-Little, Purcell
7. Tamela Cheadle-Lewis, Ardmore, Harvey-Douglas, Ardmore
8. Tabitha Brown, Stillwater, Strode, Stillwater

D. Apprenticeship (3rd Extension)

1. Holland Dugdale, Glenpool, McClendon-Winters, Okmulgee

E. Apprenticeship (4th Extension)

1. Brighton Potter, Tulsa, Gary Kelley's Add'vantage, Tulsa

F. Funeral Director and/or Embalmer (Reciprocal)

1. Steven Carberry, Texas

G. Funeral Director and/or Embalmer (Original)

1. Glenn Kias Palmer-Roberts, Guthrie (FD only)
2. Aidan Parker, Lawton (FD Only)
3. Jessica Brewer, Holdenville
4. Reagan Crenshaw, Edmond (FD Only)
5. Alpha Alex, OKC (EM Only)

H. Establishments

1. Vondel L. Smith & Son Mortuary (N. Macarthur), OKC, request to change FDIC from Joseph Baxter to Derek Czajkoski
2. Tribute Memorial Care LLC, Norman, request to close establishment
3. Tribute Memorial Care LLC, Norman, New Establishment, Tribute Memorial Care LLC, Norman, Owner, Samuel Flores, Edmond, FDIC
4. Whinery Funeral Service and Cremation Center, Elk City, New Establishment, Affordable, Inc., Owner, Elk City, Chris Whinery, FDIC, Elk City
5. Wooster FH, Pauls Valley, request to change FDIC from Gary Wooster to Charles Wooster
6. Wooster FH, Elmore City, request to change FDIC from Gary Wooster to Charles Wooster

I. Commercial Embalming Establishments

1. Southern Plains Mortuary & Transport Service, Walters, request to close establishment

J. Crematories

1. Oklahoma Cremation Service, OKC, request to change FDIC from Joseph Baxter to Derek Czajkoski

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. 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

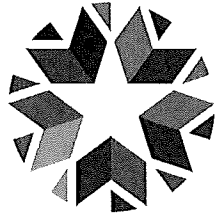
11. **Executive Director's Report**

- A. Agency Financial Update

12. **Adjournment**

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: October 10, 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

August 8, 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.

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 5, 2024 at 1:00PM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

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

Motion by Corbett second by Davenport to approve the July 11, 2024 Regular Board meeting minutes. The motion passed unanimously with member Highberger abstaining.

OKFDA did not provide an update.

Rowena Ehrman from OID provided the following update: Permits are due soon. You may start filing in October (90 days in advance). OID verifies information with the Funeral Board and if the information differs, it causes delays. Please contact OID on their website to update information.

Motion by Roberts second by Corbett to dismiss complaint 24-06 regarding Unlicensed Practice. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 24-07 regarding Unlicensed Practice. The motion passed unanimously.

Motion by Davenport second by Highberger to dismiss complaint 24-36 regarding Decedent File Issues. The motion passed unanimously.

Motion by Davenport second by Highberger to dismiss complaint 24-45 regarding Non-Payment of Vendor. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 24-48 regarding Death Certificate Issues. The motion passed unanimously.

Motion by Corbett second by Highberger to find probable cause on complaint 24-51 regarding Non-Payment of Vendor. The motion passed unanimously.

Motion by Corbett second by Highberger to dismiss complaint 24-53 regarding Non-Payment of Vendor with a letter of concern. The motion passed unanimously.

Motion by Corbett second by Highberger to dismiss complaint 24-54 regarding Non-Payment of Vendor with a letter of concern. The motion passed unanimously.

Motion by Matherly second by Highberger to find probable cause on complaint 25-01 regarding Ethics/Threat Issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order: Complaint 24-38 The Funeral Home, Watonga, The Funeral Home, LLC, Owner, Kenneth Anglin, FDIC. The prosecution was represented by Kylie Cooper, AAG. Liz

Stevens, AAG, was the Board's legal advisor. Members Davenport, Dunn, Matherly, and Roberts heard the case. Members Corbett and Highberger recused themselves from the case and they left the room.

After the presentation of the agreed upon Consent Order, motion by Davenport second by Matherly to enter executive session. The motion passed unanimously.

Motion by Davenport second by Roberts to exit executive session. No votes were taken and no other matters were discussed while in executive session. The motion passed unanimously.

Motion by Davenport second by Roberts to reject the consent order. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Trinady Smith, Alva, Mercer-Adams FS, Bethany; Philip Norris, Bartlesville, Davis Family FH&C, Dewey (FD only); Karen Shufeldt, Vinita, Luginbuel FH, Vinita; Crystal Shaver, Tulsa, Moore FH&C, Tulsa; Amber Horton, Canehill, Hart FH, Stilwell; Jenna Beckwith, Sawyer, Miller & Miller FH, Hugo (FD only); Robert Dingler, Durant, Prater-Lampton-Mills & Coffey, Hugo (FD only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (1st extension) Samuel Hild, OKC, OK Cremation & FH, OKC; Alexandria Nimsey, Tulsa, Stanley's F&CS, Tulsa; Charles Sorrell, Bethany, Oklahoma Mortuary Service, OKC; Raylynn Blanton, Yukon, Ingram. Smith & Turner, Yukon. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Apprenticeship (2nd Extension). Trysta Kershner, Marietta, Matthews F&CS, Edmond. The motion passed unanimously

Motion by Roberts second by Highberger to approve the following: Apprenticeship (2nd Extension). Abby Jones, Clinton, Kiesau-Lee FH, Clinton. The motion passed unanimously

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal), Vanessa Walker (EM Only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original), Shawn Duke, Tulsa for FD Only. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original), Raymond Rogers, Miami; Chelsea Raymond, Yukon; Shaylee Murphree, Durant. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Glenn Kias Palmer-Roberts, Guthrie (FD only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishments, Baggerley FH, Edmond, request to change FDIC from Samuel Flores to Katelyn Magruder; Kiesau-Lee FH, Clinton, request to change FDIC from Troy Lee to Shane Vice; Tribute Memorial Care, Norman, request to change FDIC from Shane Vice to Samuel Flores; Cruz Family FH, request to change FDIC from Mylei Saysana to Diann Simon. The motion passed unanimously.

There was no new business

Strategic Planning: Discussion and possible action regarding change of Board Statutes or Board Rules: Board discussion for Updating Cremation Statutes and Rules. The cremation committee reported that they have been meeting and have created numerous suggestions for changes in cremation laws and will need more meetings due to the in-depth conversations. It was initially thought to rewrite the entire cremation section, but this was impractical. The suggestions were narrowed down to 12 that the committee is on board.

Agency Financial update- Mr. Stiles reported gross receipts for July 2024 to be \$4,600.00 with \$460.00 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$32,622.26 and net income after expenses totaled -\$28,482.26

Notice of Strategic Planning for 2024-2025 -The Board will have their strategic planning session starting in September. For any suggestions of rule or statute changes, please let Board staff know.

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

Brent Matherly
Oklahoma Funeral Board President

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

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

**KEITH D. BIGLOW FUNERAL
DIRECTORS, INC--OKMULGEE**

A Licensed Funeral Establishment,
Establishment License # 1488ES
PO BOX 1625
Okmulgee, OK 74447

owned by:

**KEITH D. BIGLOW FUNERAL
DIRECTORS, INC.**

549 S. 6th Street
Muskogee, OK 74401

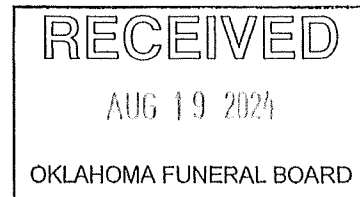
KEITH BIGLOW

Licenses: 2234FD and 2382EM,
Address: PO Box 2411
Muskogee, OK 74402

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

**KEITH D. BIGLOW FUNERAL
DIRECTORS, INC.**

Complaint No. 24-05



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, KEITH D. BIGLOW FUNERAL DIRECTORS, KEITH BIGLOW FUNERAL DIRECTORS, INC., and KEITH BIGLOW, 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 KEITH D. BIGLOW FUNERAL DIRECTORS, INC—OKMULGEE (“Funeral Home”) is licensed by the Board, establishment license number 1488ES, and is located at PO Box 1625, Muskogee, OK 74402.

2. Respondent KEITH BIGLOW (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2234FD and 2382EM, and at all relevant times was the Funeral Director in Charge at Funeral Home and registered agent for Respondent KEITH D. BIGLOW FUNERAL DIRECTORS, INC.

3. 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

4. On or about August 10, 2023, Board staff received a complaint from Mona Wilson. Ms. Wilson’s late husband passed away on April 26, 2023. Ms. Wilson was unable to receive a copy of the death certificate until July 28, 2023.

5. Further, the complaint alleged that Respondents had failed to file a death certificate, cremation permit, disinterment permit or any other necessary permit as required by law in a timely manner, in violation of OAC 235: 10-7-2(14). The Board provided Respondents with the Notice of Complaint via certified mail, and it was delivered on August 16, 2023.

6. On August 21, 2023, Respondents filed their response to Complaint 24-05 with the Board. Respondents state that Ms. Wilson was not involved in the funeral preparations and that the hospital records listed Mr. Wilson as single. They corrected the error upon being notified of it.

7. Vital Records system, ROVER, shows that the case for Ms. Wilson's husband was started April 28, 2023. It was certified on June 14, 2023, and it was not signed by Keith Biglow until July 21, 2023, more than 30 days later.

8. By public vote during the meeting on November 9, 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 OAC 235: 10-7-2(14) by failing to file necessary permits as required by law in a timely fashion. The relevant Board rule, 235: 10-7-2(14), provides:

Failure to file a death certificate, cremation permit, disinterment permit or any other necessary permit as required by law in a timely manner.

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 KEITH BIGLOW 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 12, 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.

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).

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

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Kylie Cooper, OBA # 32758
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

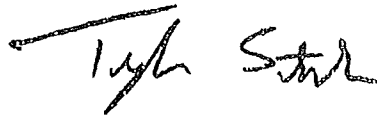
I hereby certify that on the 19th day of August, 2024, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

KEITH D. BIGLOW FUNERAL DIRECTORS, INC.
549 S. 6TH Street
Muskogee, OK 74401

KEITH D. BIGLOW FUNERAL DIRECTORS, INC.
PO BOX 1625
Okmulgee, OK 74447

KEITH BIGLOW
PO Box 2411
Muskogee, OK 74402



Tyler Stiles, MBA
Executive Director

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

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

MARTIN-DUGGAR FUNERAL HOME

A Licensed Funeral Establishment,
Establishment License # 1782ES
PO Box 707
Elk City, OK 73648

owned by:

DUGGER FUNERAL SERVICES, INC.

600 W. Country Club
Elk City, OK 73644

RICHARD DUGGER, II

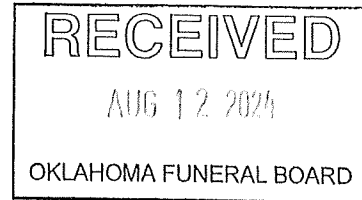
Licenses: 2344FD and 2489EM
Address: PO Box 707
Elk City, OK 73648

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

MARTIN-DUGGER FUNERAL HOME,

Respondents.

Complaint No. 24-19



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, MARTIN-DUGGER FUNERAL HOME, DUGGER FUNERAL SERVICES, INC. and RICHARD DUGGER II, 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 MARTIN-DUGGER FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1782ES, and is located at PO BOX 707, Elk City, OK 73648.

2. Respondent RICHARD DUGGER II (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2344FD and 2489EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent DUGGER FUNERAL SERVICES INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent RICHARD DUGGER, II is the owner and registered agent for Respondent DUGGER FUNERAL 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 November 13, 2023, Board staff received a complaint from a vendor, alleging that they had not been paid within 90 days upon the funeral home receiving vendor’s invoice.

6. On November 17, 2023, Board staff processed the complaint, alleging that Respondents had violated Board rule O.A.C. 235:10-7-2(9), by failing to discharge a financial obligation within 90 days. The Board provided Respondents with the Notice of Complaint via email on the same day.

7. On November 17, 2023, Respondents filed their response to Complaint 24-19 with the Board. Respondents stated that they were not aware of this unpaid invoice but that after receiving notice of the complaint, the invoice was paid in full.

8. By public vote during the meeting on January 11, 2023, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

ALLEGED CONCLUSIONS OF LAW

10. Respondents violated O.A.C. 235:10-7-2(9) by failing to discharge a financial obligation within 90 days. The relevant Rule, O.A.C. 235:10-7-2(9), provides:

Failure to discharge financial obligation. Failure to pay any vendor or third-party obligation, within 90 days, that arises out of a Statement of Goods and Services that has been signed by the authorized person or failure to satisfy a judgment rendered by a court of proper jurisdiction, within 90 days or as ordered by the court, in favor of a vendor or third party provider as designated on the Statement of Goods and Services or in connection with goods and services provided for a specific buyer.

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 RICHARD DUGGER II, 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 12, 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).

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).

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 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

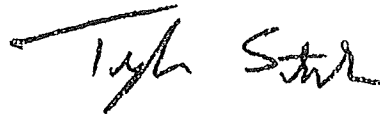
I hereby certify that on the 12th day of August, 2024, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

Richard Dugger II
PO Box 707
Elk City, OK 73648

Dugger Funeral Services, INC.
600 W Country Club
Elk City, OK 73644

Martin-Dugger Funeral Home
PO Box 707
Elk City, OK 73648



Tyler Stiles, MBA
Executive Director