

BEFORE THE OKLAHOMA FUNERAL BOARD

**IN THE MATTER OF THE)
COMPLAINT AGAINST:)
CARTER-SMART FUNERAL HOME)
(1083ES))
1316 WEST OAK)
DUNCAN, OKLAHOMA 73533)**

COMPLAINT NO.: 011-27

and)

**RONALD L. SMART (1688FD,))
A Licensed Funeral Director,)
RESPONDENTS)**

FINAL ORDER

On the 8th day of September, 2011 the above-styled case came on for hearing pursuant to the Complaint by the Oklahoma Funeral Board against the Respondents, Carter-Smart Funeral Home("Carter-Smart"), and Ronald L. Smart ("Smart"), Funeral Director in charge ("FDIC"). The State of Oklahoma, ex rel. Oklahoma Funeral Board was represented by its attorney, William O'Brien, Assistant Attorney General, and the Respondents, Carter-Smart and Smart did not appear nor had counsel appear on their behalf. In accordance with 59 O.S. Supp. 2010, Section 396.12f (C), the Board hereby enters the following Findings of Facts and Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Smart is a licensed Funeral Director and Embalmer and is the owner and FDIC of Carter-Smart Funeral Home, a licensed funeral service establishment.
2. That Respondents Smart and Carter-Smart had received notice of the complaint and hearing date.
3. That Mark Riley testified two death certificates for decedents served by Carter-Smart and Smart were not filed until after the initial complaint was filed, and at least four years and eleven years respectively after assuming custody of the remains. Copies of the complaint, applications for death certificates and the death certificates were admitted into evidence as combined exhibit 1 by the Board.
4. That no exhibits were admitted into evidence by Respondents Carter-Smart and Smart.

CONCLUSION OF LAW

1. The Board has jurisdiction over this matter and Respondents pursuant to 59 O.S. § 396.2a (11)
2. That by clear and convincing evidence, Respondent Carter-Smart and Smart violated 59 O.S. §

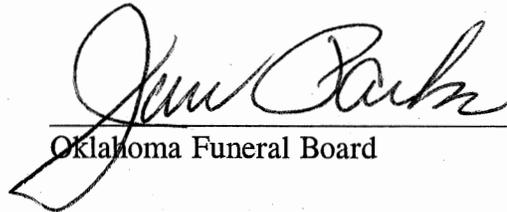
396.12c (13) and OAC 235:10-7-2 (14) in that Carter-Smart and Smart failed to file two death certificates in a timely manner.

ORDER

It is therefore ORDERED that a fine in the amount of \$1,250.00 for each of 2 violations plus costs of \$350.74 and being \$2,850.74 in total is assessed against Respondent Carter-Smart and Smart together as a result of the violations and shall be due prior to the next regularly scheduled board meeting, or the licenses of respondent's Carter-Smart and Smart will be suspended until such fine and costs have been paid.

All Participating members voted "Aye"

IT IS SO ORDERED!



Oklahoma Funeral Board

Dated this 23RD day of SEPT 2011.

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of September 2011, a true and correct copy of the foregoing Complaint and Notice of Hearing was sent, restricted certified mail, postage prepaid, addressed to the following:

Carter-Smart Funeral Home
1316 West Oak
Duncan, OK 73533

Ronald L. Smart
2005 Westbriar Rd.
Duncan, OK 73533