

**BEFORE THE OKLAHOMA STATE DEPARTMENT OF HEALTH  
STATE OF OKLAHOMA**

OKLAHOMA STATE DEPARTMENT OF )  
HEALTH, PROTECTIVE HEALTH )  
SERVICES, )

Petitioner, )

vs. )

OKLAHOMA COUNTY CRIMINAL )  
JUSTICE AUTHORITY a/k/a OKLAHOMA )  
COUNTY DETENTION CENTER, )

Respondent. )

Case No. PHS-2024-309

**Filed**

**JUL 15 2024**

**Office of  
Administrative Hearings**

**ADMINISTRATIVE COMPLIANCE ORDER**

Based upon the representations of the Protective Health Services division of the Oklahoma State Department of Health, the Commissioner of the Oklahoma State Department of Health (hereinafter "OSDH") finds the Oklahoma County Criminal Justice Authority a/k/a Oklahoma County Detention Center (hereinafter "OCDC") and its Administrator, Brandi Garner, are in violation of Okla. Stat. tit. 63 § 1-106(C)(4), Okla. Stat. tit. 74 § 193, and Title 310, Chapter 670 of the Oklahoma Administrative Code (hereinafter "OAC," "Rule," or "Rules"). Accordingly, this Order is hereby issued pursuant to Okla. Stat. tit. 63 § 1-1701.1A.

**LEGAL AUTHORITY**

1. OSDH is the state agency charged with the statutory authority to inspect city and county jails to ensure compliance with the regulatory rules and standards promulgated pursuant to Okla. Stat. tit. 74 § 192.

2. OSDH has a statutory "right of access to any premises. . . at any reasonable time" for the purpose of an inspection as well as a statutory right of entry to city and county jail facilities, including administrative offices. Okla. Stat. tit. 63 § 1-106(C)(4) and Okla Stat. tit. 74 § 193(A).

3. OCDC currently operates as a county jail, located in Oklahoma City within Oklahoma County.

### **FINDINGS OF FACT**

4. On June 25, 2024, at approximately 9:20 a.m., OSDH jail inspectors attempted to conduct an unannounced inspection of OCDC. The jail inspectors were informed at that time they would not be allowed to enter the facility for the purpose of the inspection.

5. Sargent Robert Sowards informed the jail inspectors that OCDC's Chief Operations Officer was not on the premises, and there was not enough staff to support the inspection process. He additionally informed the inspectors they should reach out to Oklahoma County Assistant District Attorney Aaron Etherington (hereinafter "ADA Etherington") for further information.

6. That day, June 25, 2024, OSDH made a finding that OCDC was in violation of Okla. Stat. tit. 74 § 193 for failing to allow OSDH inspectors Right of Entry for inspection.

7. Based on this violation, OCDC was determined to be non-compliant with the applicable statutory and administrative standards.

8. In accordance with Okla. Stat. tit. 74 § 193(B), a copy of the written inspection report (hereinafter "Statement of Deficiencies" or "SOD") outlining the above-referenced violation was provided to OCDC's Administrator, Brandi Garner, via e-mail on June 25, 2024.

9. On June 28, 2024, ADA Etherington provided written correspondence, devoid of any legal basis supporting the refusal, in response to the June 25, 2024, Statement of Deficiencies.

10. On July 9, 2024, at approximately 9:48 a.m., OSDH jail inspectors again attempted to conduct an unannounced inspection of OCDC.

11. Once again, the inspectors were informed, this time by Oklahoma County Assistant District Attorney Lisa Erickson Endres (hereinafter "ADA Endres") and again without any legal

basis or justification, they would not be allowed to enter the facility for the purpose of their inspection.

12. Afterwards, OCDC Chief Financial Officer, Chris Sherman, provided a copy of ADA Etherington's June 28, 2024, correspondence and stated there was again not enough staff to support the inspection process.

13. That day, July 9, 2024, OSDH made a finding that OCDC was still in violation of Okla. Stat. tit. 74 § 193 for once again failing to allow OSDH inspectors Right of Entry for inspection.

14. Based on the repeat violations identified above, OCDC was determined to be in continuing non-compliance with the applicable statutory and administrative standards.

15. In accordance with Okla. Stat. tit. 74 § 193(B), a copy of the Statement of Deficiencies outlining the above-referenced continuing violation was provided to OCDC's Administrator, Brandi Garner, via e-mail on July 9, 2024.

16. That afternoon, ADA Etherington again provided written correspondence, without any legal basis or justification supporting the refusal, in response to the July 9, 2024, Statement of Deficiencies.

#### **CONCLUSIONS OF LAW**

17. OSDH has regulatory jurisdiction and authority in this matter, and OCDC is subject to the authority and jurisdiction of OSDH pursuant to Okla. Stat. tit. 63 § 1-106(C)(4) and Okla. Stat. tit. 74 §§ 192 and 193.

18. The Findings of Fact contain the following repeat statutory violations: Okla. Stat. tit. 63 O.S. § 1-106(C)(4) and Okla. Stat. tit. 74 § 193.

### ORDER TO COMPLY

19. Based on the Findings of Fact and Conclusions of Law, it is **ORDERED** by the Commissioner of the Oklahoma State Department of Health, as follows:

- a. Upon receipt of this order, OCDC shall immediately correct the violations cited in Paragraphs 6 and 13 above; and
- b. OCDC shall immediately permit OSDH inspectors to enter all jail premises and administrative offices for the purpose of performing their assigned duties at the next unannounced inspection, and all subsequent unannounced inspections.

20. Failure to comply with the requirements of this Order will result in administrative penalties.

21. Violations beyond those listed in Paragraphs 6 and 13 above will subject OCDC to additional administrative penalty and may warrant additional administrative action.

22. Service of this Order shall commence with receipt by either the service agent or the facility, whichever occurs first.

### GENERAL PROVISIONS

23. OCDC shall allow agents of OSDH entry onto its property, at reasonable times and without advanced notice, for the purposes of inspecting, sampling, records review, and other authorized activities to assess compliance with Oklahoma statutes and rules, and this Order.

24. This Order is in addition to any other remedies provided by law and does not preclude OSDH from seeking other and further relief, as appropriate.

**NOTICE OF OPPORTUNITY TO REQUEST HEARING**

25. This Order will automatically become final unless, no later than fifteen (15) days after it is served, Respondent submits to OSDH a written request for a hearing. Such request for a hearing shall be directed to:

Administrative Hearing Clerk  
Oklahoma State Department of Health  
123 Robert S. Kerr Ave. Ste. 1856  
Oklahoma City, Oklahoma 73102  
Phone: 405-426-8244  
Fax: 405-900-7601  
Email: oah@health.ok.gov

26. If a hearing is requested, it will be scheduled promptly, and Respondent will be notified of the time and place of the hearing.

27. The scope of the hearing will be limited to the matters raised in the request for hearing, unless otherwise permitted by the Administrative Law Judge for good cause.

28. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act.

29. The Administrative Law Judge may schedule pre-hearing conferences, if deemed necessary.

30. Unless Respondent is an individual, the Respondent shall be represented by an attorney at the hearing. OAC 310:2-21-7(A); *Massongill v. McDevitt*, 1989 OK CIV APP 82.

31. OSDH will seek a default judgment should OCDC fail to appear with counsel at a scheduled hearing or otherwise not file a responsive pleading as necessary. OAC 310:2-21-18.

32. Pursuant to OAC 310:2-21-4, the Commissioner designates any inspector employed by OSDH to accomplish service of process for OSDH. This designation shall continue for the duration of this action and apply to any filing made by the Petitioner.

DATED THIS 15th DAY OF JULY 2024

OKLAHOMA STATE DEPARTMENT OF HEALTH



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KEITH REED, MPH, CPH  
COMMISSIONER OF HEALTH

OFFICE OF GENERAL COUNSEL

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**CERTIFICATE OF SERVICE**

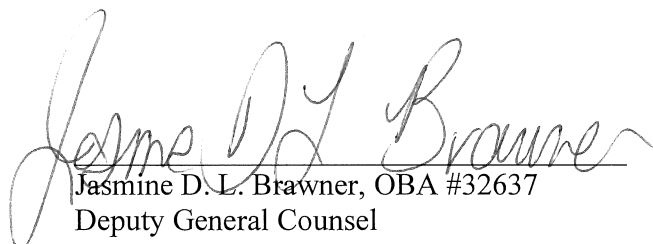
This is to certify that on this 15<sup>th</sup> day of July, 2024, a true and correct file-stamped copy of the above and foregoing *Administrative Compliance Order* was hand delivered to the following:

Brandi Garner, Chief Executive Officer and Administrator  
Oklahoma County Criminal Justice Authority  
a/k/a Oklahoma County Detention Center  
201 North Shartel  
Oklahoma City, OK 73102  
**RESPONDENT**

A true and correct file-stamped copy of the above foregoing *Administrative Compliance Order* was mailed via USPS certified mail/return receipt requested to the following:

Brandi Garner, Chief Executive Officer and Administrator  
Oklahoma County Criminal Justice Authority  
a/k/a Oklahoma County Detention Center  
201 North Shartel  
Oklahoma City, OK 73102  
**RESPONDENT**

Joe Allbaugh, Chair  
Oklahoma County Criminal Justice Authority  
a/k/a Oklahoma County Detention Center  
320 Robert S. Kerr Avenue  
Oklahoma City, OK 73102  
**RESPONDENT**

  
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Jasmine D. L. Brawner, OBA #32637  
Deputy General Counsel  
**FOR THE PETITIONER**