



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-32A

Chris Ferguson, Executive Director
Oklahoma Funeral Board
3700 N. Classen Blvd., Suite 175
Oklahoma City, OK 73118

January 24, 2019

Dear Executive Director Ferguson:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Funeral Board intends to take pursuant to a consent order with regard to complaint 19-13. The complaint alleges that a funeral establishment, a Funeral Director in Charge, and a licensed employee of the establishment allowed an unlicensed person to perform the functions that are required to be completed by a licensed individual. The Board proposes to require the respondents to jointly pay a penalty of \$1,000, costs of \$500, and make restitution of \$1,395. Additionally, the licenses of the director and the establishment are placed on probation for one year and all respondents must complete an additional six hours of continuing education.

The Funeral Services Licensing Act authorizes the Funeral Board to take enforcement action against licensees for failure to comply with the Act or Board rules promulgated thereunder. 59 O.S.Supp.2018, § 396.12c(5), (8). The Board's rules require that a licensed individual be present during a funeral service until the remains are inaccessible to the public. OAC 235:10-11-1(b)(7). The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Funeral Board has adequate support for the conclusion that the proposed actions advance the State's policy to protect the public health, welfare and safety and to ensure that certain duties are performed only by licensed individuals.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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