



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-805A

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

November 17, 2017

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 with respect to complaint 17-48. The licensee is alleged to have engaged in material misrepresentation and misleading advertising, and to have failed to provide services for which the licensee was paid. The Board proposes to require the licensee to correct any misleading advertising and pay \$1,050 in restitution, a \$100 fine, and \$1,232.50 in costs.

The Funeral Services Licensing Act authorizes the Board to “refuse to issue or renew, or...revoke or suspend, any license or registration for . . . [v]iolation of any of the rules of the Board[.]” 59 O.S.Supp.2017, § 396.12c(8). Board rules prohibit “[m]aterial misrepresentation to the public of facts, requirements of Oklahoma Statutes, State Board Rules, or any rule or regulation pertaining directly to the custody, care, or disposal of dead human remains,” “[c]harging for service or merchandise not contracted for or failing to provide the services or merchandise contracted for or making substitution for services or merchandise contracted for without the authorization of the customer,” and “[t]he use of false or misleading advertising[.]” OAC 235-10-7-2(1), (13), (17). 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 this action advances the State’s policy to uphold the integrity of funeral services contracts and protect the citizens of Oklahoma from misleading advertising.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Amanda Otis".

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL