



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-825A

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

December 5, 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 pursuant to consent order regarding complaint 17-07. The licensee misrepresented to the decedent's adoptive mother that another person had the right to choose the decedent's burial place, and allowed a step-grandfather to determine the location. The Board proposes to order the licensee to transfer the decedent's remains to the complainant's preferred cemetery and pay \$950 in Board costs.

The Funeral Services Licensing Act authorizes the Funeral Board to take enforcement action against licensees for failure to comply with the Act. 59 O.S.Supp.2017, § 396.12c(5). The Board may impose administrative fines or other disciplinary actions against "any person who violates any of the provisions of the [Act] or rule or regulation[.]" 59 O.S.2011, § 396.12d. The action seeks to enforce the Board's requirements for funeral establishments to release a body to the person entitled to its custody. 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 of protecting consumers of funeral services.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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