



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-858A

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 complaint 17-11. The licensees failed to release the decedent's remains to the person entitled to possession. The Board proposes to require licensees to jointly pay no more than \$5,000 in legal fees and require the licensees to complete an additional three 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. 59 O.S.Supp.2017, § 396.12c(5). Further, the Act states that "[a]ny person or entity who has been determined . . . to have violated any provision of the [Act] or any rule . . . may be liable for an administrative penalty." 59 O.S.2011, § 396.12e(A). The Board "may refuse to issue or renew, or may revoke or suspend, any license or registration for . . . [r]efusing to properly release a dead human body to the custody of the person entitled to custody." 59 O.S.Supp.2017, § 396.12c(11). The action seeks to enforce the Board's requirements for funeral establishments to release bodies to the person entitled to its custody. The Board may reasonably believe that the proposed action will adequately 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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