



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-899A

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

December 22, 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 complaints 18-23, 18-24, and 18-27. The Board proposes to dismiss the complaints and issue Letters of Concern. The complaints alleged that the licensees failed to maintain an embalming log identifying all bodies received and processed by the funeral home, and the disposition made of those remains. After receiving notices of the complaints, the licensees belatedly produced embalming logs.

The Funeral Services Licensing Act authorizes the Funeral Board to take enforcement action against licensees for violating "any rules of the Board in administering the purposes of [the Act.]" 59 O.S.Supp.2017, § 396.12c(8). The Board's rules require maintenance of an embalming log. OAC 235:10-3-2(5)(A)(vii). The action seeks to enforce the Board's requirement that funeral establishments to identify and account for the bodies processed and the services provided. The Board may reasonably believe that Letters of Concern 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 to protect public health, welfare, and safety and to ensure an informed public.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL