



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-187A

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

June 12, 2018

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 respect to complaint 18-43. The licensee was on probation for an unlicensed practice violation when the licensee transported 18 bodies into Arkansas for cremation without first obtaining cremation permits. The Board proposes to require the licensee to pay an \$8,500 fine, costs of \$1,000, restitution to the medical examiner's office of \$900, and to correct the 18 death certificates to accurately reflect disposition by cremation.

The Funeral Services Licensing Act authorizes the Board to impose "administrative fines" and "other disciplinary action" when a person violates the Act. 59 O.S.Supp.2017, § 396.12d. The Act requires licensees to comply with "applicable state laws relating to . . . cremation permit[s]." *Id.* § 396.12c(12). The Oklahoma Public Health Code requires completion of a cremation permit to dispose of bodies in this manner. 63 O.S.2017, § 1-329.1. 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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
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