



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-709A

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

September 29, 2017

Dear Executive Director Ferguson:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Funeral Board intends to take with regard to complaint 18-03. The Board seeks to dismiss the complaint and issue a letter of concern. A third party vendor filed a complaint regarding the funeral establishment's failure to, within 90 days, pay for certain merchandise and services for which a family contracted. Board staff investigated. The funeral establishment disputed part of the claimed amounts, worked the matter out with the vendor, and then paid an agreed settlement amount.

The Funeral Services Licensing Act, 59 O.S.2011 & Supp.2016, §§ 395.1 – 396.33, authorizes the Funeral Board to take enforcement action against licensees for "[v]iolat[ing] . . . any rules of the Board in administering the purposes of the . . . Act[.]" 59 O.S.Supp.2016, § 396.12c(8). The Board's rules specifically require licensees "to pay any vendor or third party obligation[s] [] within 90 days." OAC 235:10-7-2(9). Further, the funeral director in charge is responsible for the legal and ethical operation of the funeral establishment. *See* 59 O.S.2011 & Supp.2016, §§ 396.2(12), 396.12(C). The proposed action seeks to enforce the Board's requirements that funeral establishments are timely paying amounts owed to vendors and third parties and that funeral directors in charge uphold their legal and ethical obligations. The Board may reasonably believe a letter 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 of Oklahoma's policy to protect the public health, welfare and safety and to ensure an informed public.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN  
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL