



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-794A

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

November 17, 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 18-13. The Board proposes to dismiss the complaint and issue a Letter of Concern. The complaint alleged that the licensee refused to release a decedent's body without being paid an agreed price.

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 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." *Id.* § 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 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's policy of protecting consumers of funeral services.

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