



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-898A

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 complaint 18-11. The licensee failed to keep an accurate embalming log and require an apprentice to sign the log, and misrepresented that the apprentice had embalmed 11 bodies. The Board proposes to require the licensee to pay a \$3,000 administrative penalty and \$1,500 in costs and keep sufficient embalming logs using the Board-provided form, and to prohibit the licensee from supervising apprentices for two years.

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 that contains “the name, signature, and license number of the embalmer(s) and apprentice(s).” OAC 235:10-3-2(5)(A)(vii). The action seeks to enforce the Board’s requirement that funeral establishments identify and account for the bodies processed and the services provided. 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 protect public health, welfare, and safety and to ensure an informed public.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL