



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-106A

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

April 6, 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 final order with respect to complaint 17-55. The licensee held a funeral director license, but not an establishment license. The licensee advertised funeral services without the required establishment license. The licensee's funeral director license has since lapsed. The Board proposes to require the licensee to pay a \$500 administrative penalty and \$2,500 in costs before the licensee can apply to reinstate the funeral director license.

The Funeral Services Licensing Act authorizes the Board to impose administrative penalties when a licensee has "violated any of the provisions of the Funeral Services Licensing Act[.]" 59 O.S.Supp.2017, § 396.12e(A). The Act states that "[n]o person shall operate a funeral establishment . . . engage in the sale of any funeral service merchandise to the public, provide funeral services, carry on the business or profession of embalming or funeral directing or perform any of the functions . . . unless the person has obtained [a] license[.]" *Id.* § 396.6(A). 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

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