



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-155A

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

May 9, 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 consent order regarding complaint 18-19. The licensee gave the cremains to the decedent's sister over the objection of the majority of the decedent's children. The establishment has been unable to retrieve the remains to correct the issue. The Board proposes to impose an administrative penalty of \$4,000 and require the licensee to pay \$1,000 in costs.

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 impose administrative fines or other disciplinary actions against "any person who violates any of the provisions of the [Act] or rule or regulation[.]" 59 O.S.2011, § 396.12d. The action seeks to enforce the Board's requirements for funeral establishments to release a body to the person entitled to its custody. 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 of protecting consumers of funeral services.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL