



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-156A

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 complaint 18-32. The complaint alleges that the licensees failed to keep proper embalming logs. The Board previously issued a letter of concern on this issue (*See* AG. Opin. 2017-535A). The Board proposes to require the licensees to jointly pay a \$500 administrative penalty and \$250 in costs.

The Funeral Services Licensing Act, 59 O.S.2011 & Supp.2017, §§ 395.1 – 396.33, authorizes the Funeral Board to take enforcement action against licensees for failure to comply with the Act or Board rules promulgated thereunder. 59 O.S.Supp.2017, § 396.12c(5), (8). The Board's rules require maintenance of an embalming log. OAC 235:10-3-2(5)(A)(vii). Further, the funeral director in charge is responsible for legal and ethical operation of the funeral establishment. 59 O.S.2011 & Supp.2017, §§ 396.2(12), 396.12(C). The action seeks to enforce the Board's requirements for funeral establishments to identify and account for the bodies processed and the services provided. The Board may reasonably believe 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.

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 "Amanda Otis".

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL