



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-16A

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

January 25, 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 consent order regarding complaint 18-14. The licensees failed to pay on several vendor contracts. The Board proposes to require licensee to pay restitution to the vendor, require each funeral director in charge to pay the board an administrative penalty of \$250, and place licensees on probation.

The Funeral Services Licensing Act authorizes the Funeral Board to impose discipline for “[f]ailure to properly discharge financial obligations as established by rule of the Board.” 59 O.S.Supp.2017, § 396.12c(22). The Board’s rules require a licensee to “pay any vendor or third party obligation, within 90 days.” OAC 235:10-7-2(9). 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 ensure that funeral establishments properly discharge financial obligations.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL