



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-17A

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 18-18. The funeral director in charge ("FDIC") of a funeral establishment left embalming instruments and tubes in a dead, unattended, unrefrigerated body for more than 48 hours. The Board proposes to require the FDIC and the establishment to jointly pay costs of \$950, suspend the license of the FDIC for 60 days, and after the suspension, place the FDIC on probation for 12 months.

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). It is a violation of the Board's rules to "[d]amage, abuse, [or] desecrate[e] . . . human remains" and to leave a dead human body unrefrigerated for longer than "24 hours." OAC 235:10-7-2(10), 11-1(14). 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 of the public.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL