



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-294A

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

July 31, 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 orders with regard to Complaints 18-34 and 18-45. In the complaints, a funeral establishment and funeral director in charge are alleged to have failed to properly supervise an apprentice and to have overcharged consumers. Complaint 18-34 also alleges that the funeral establishment and funeral director failed to provide a consumer with a Statement of Goods and Services, a General Price List, and Casket Price List. The Board proposes to require joint payment of fines and costs, to place the funeral establishment on probation for two years, and to require the funeral director to complete continuing education, pay restitution, and provide truthful testimony in any Board hearing regarding the apprentice.

The Funeral Services Licensing Act 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 Act requires a license to provide funeral services. *See id.* §§ 396.3a(1), 396.6(A), 396.10, 396.12a(B). Only a licensed funeral director may make, negotiate and complete the financial arrangements for a funeral service on an at-need basis. *See* OAC 235:10-11-b(1-5). “No apprentice shall perform ... the practice of funeral directing” except “under the personal supervision of a licensed...funeral director.” OAC 235:10-3-5(c)(5). A consumer must be provided the professional services contracted for. OAC 235:10-7-2(13). A Statement of Goods and Services, a General Price List, and a Casket Price List must be provided to the consumer. *See* OAC 235:10-7-2(3-4) and 16 C.F.R. § 453.2(b)(2), (4), (5). The funeral director in charge is responsible for the legal and ethical operation of the funeral establishment. 59 O.S.2011 & Supp.2017, §§ 396.2(12), 396.12(C). 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 the proposed actions advance the State’s policy to protect

the public health, welfare, and safety and to ensure that certain duties are performed only by funeral directors.

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 "Ryan Chaffin".

RYAN CHAFFIN  
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL