



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-295A

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 a consent order with respect to complaint 18-46. The complaint alleges that the funeral establishment and funeral director/embalmer/funeral director in charge continued to provide at-need funeral services for 12 families after their licenses expired and therefore overcharged for services requiring up-to-date professional licenses. The Board proposes to require the licensees to jointly pay \$400 in restitution to each family and a \$1,200 administrative penalty, to place all licenses on one year probation, and to require the funeral director in charge to complete 12 additional hours of continuing education and 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 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). “No practice of funeral directing or embalming [is] permitted on an expired . . . license.” OAC 235:10-5-1(d). 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 this action advances the State’s policy to uphold the integrity of funeral services contracts and protect the citizens of Oklahoma.

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