



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-296A

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 agreements with regard to Complaints 18-51 and 18-52. In the complaints, it is alleged that two funeral establishments (with the same ownership) and the funeral director in charge (who serves as the funeral director in charge at both funeral establishments) failed to keep proper embalming logs. The Board proposes to require the licensees to jointly pay a \$250 administrative penalty and \$250 in costs in both complaints.

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). Board rules require maintenance of an embalming log. OAC 235:10-3-2(5)(A)(vii). Further, 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 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 "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL