



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-345A

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

August 23, 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 with regard to complaint 14-10. The respondent was previously disciplined by the Board for practicing funeral directing without a license. The respondent has now failed to comply with the previous order. The Board proposes to accelerate the due date of the fine imposed by that order and pursue collection proceedings against the respondent.

The Funeral Services Licensing Act authorizes the Funeral Board to “[e]stablish and levy administrative penalties against any person or entity who violates any of the provisions of the [Act] or any [Board rule].” 59 O.S.Supp.2017, § 396.2a(9). The Act specifically provides that “[n]o person shall . . . perform any of the functions, duties, or powers prescribed for funeral directors . . . unless the person has obtained the license specified by [the Board] rules.” 59 O.S.2011, § 396.6(A). The Board may reasonably believe that the proposed actions are 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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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