



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-347A

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

August 30, 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 complaints 18-34 and 18-45. The licensee in these complaints is an apprentice who performed funeral director functions while unsupervised and violated a board rule. The Board proposes to impose two years of probation and require payment of \$3,000 in fines and costs and completion of six hours of continuing education.

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]” and “[i]nitiate disciplinary, prosecution and injunctive proceedings 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), (11). The Act specifically provides that “[n]o person shall . . . perform any of the functions, duties, or powers prescribed for funeral directors or embalmers pursuant to the provisions of the [Act] unless the person has obtained the license specified by [the Board] rules.” 59 O.S.2011, § 396.6(A). Board rules require that the general and casket price lists be provided to consumers. OAC 235:10-7-2(3). 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.

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 "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL