



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-348A

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 respect to complaint 18-49. The licensee is alleged to have engaged in unlicensed practice and made material misrepresentations to, and overcharged, the consumer. The Board proposes to file a Complaint and Notice of Hearing.

The Funeral Services Licensing Act authorizes the Board to "refuse to issue or renew, or...revoke or suspend, any license or registration for . . . [v]iolation of any of the rules of the Board[.]" 59 O.S.Supp.2017, § 396.12c(8). Board rules prohibit "[m]aterial misrepresentation to the public of facts, requirements of Oklahoma Statutes, State Board Rules, or any rule or regulation pertaining directly to the custody, care, or disposal of dead human remains," "[t]he practice of funeral directing by an individual not licensed as funeral director," and "[c]harging for service or merchandise not contracted for or failing to provide the services or merchandise contracted for or making substitution for services or merchandise contracted for without the authorization of the customer[.]" OAC 235:10-7-2(1), (6), (13). 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 from misleading advertising.

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