



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-421A

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

November 5, 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 18-60. The complaint alleges that a Funeral Director in Charge allowed an unlicensed person to perform the functions of a licensed funeral director and that the person failed to provide the required casket price list. The Board proposes to require the respondent to pay a \$3,000 fine and \$2,146.25 in costs and complete 12 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 . . . unless the person has obtained [a] license[.]” 59 O.S.2011, § 396.6(A). Further, 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 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 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 that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL