



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-238A

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

August 13, 2019

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 19-42. After an evidentiary hearing, the Board determined that the funeral establishment and the funeral director in charge failed to keep proper embalming logs. The Board proposes to require the establishment and the funeral director in charge to jointly pay a \$750 administrative penalty and \$1,647.25 in costs.

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.2018, § 396.12c(5), (8). The Board's rules require maintenance of an embalming log. OAC 235:10-3-2(5)(A)(vii). Further, the funeral director in charge is responsible for legal and ethical operation of the funeral establishment. 59 O.S.2011 & Supp.2018, §§ 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 funeral establishments can account for remains in their possession and account for all services provided.

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