



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2019-246A

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

August 27, 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 regard to complaint 19-14. The respondents were previously disciplined by the Board for charging consumers fees that are prohibited under federal law. *See* A.G. Opin. 2017-383A. The respondents have now failed to comply with the previous order by not timely paying a \$2,000 fine nor the \$2,146.25 in costs. The Board proposes to impose an additional administrative penalty of \$1,000 and additional costs of \$1,320.

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.2018, § 396.2a(9). The Act requires licensees to comply with “the Funeral Rules of the Federal Trade Commission, 15 U.S.C., Section 57a(a).” 59 O.S.Supp.2018, § 396.12c(14). 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 licensees comply with state and federal law.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ethan Shaner in black ink.

ETHAN SHANER  
DEPUTY GENERAL COUNSEL