



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-247A

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 the Oklahoma Funeral Board intends to take in regards to complaint 19-33. The complaint alleges that the funeral establishment and the funeral director in charge failed to file a death certificate in a timely manner. The licensees are currently on probation for previous discipline from the Board. *See* A.G. Opin. 2017-385A. The Board proposes to place the licenses on probation and require the establishment and the funeral director in charge to jointly pay costs of \$2,463.25, payable in monthly payments of \$205.27. If the payments are not timely made, the licenses will be suspended until the amount due is paid.

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 and to impose administrative fines for violations. 59 O.S.Supp.2018, § 396.12d. The Board's rules require the death certificate to be filed in a timely manner. OAC 235:10-7-2(12). 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 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 timely file death certificates.

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MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL