



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-248A

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 with respect to complaint 20-03. The applicant submitted an application to become a licensed funeral establishment, but failed to submit all documentation required by the Board's rules, falsely answered multiple questions, and failed to disclose a felony conviction. The Board notified the applicant of the issues and of the applicant's opportunity to appear before the Board, but the applicant did not respond nor appear. The Board proposes to deny the application.

The Funeral Services Licensing Act authorizes the Funeral Board to deny applications 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 certain documents to be submitted with an application and require applicants to answer specific questions, including disclosure of any past criminal charges. OAC 235:10-3-2(16)(A). The Board may reasonably believe the proposed action is necessary to ensure proper credentials for applicants.

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 are adequately qualified.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL