



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-250A

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

July 3, 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 pursuant consent agreements with respect to complaints 18-53 and 18-54. The complaints allege that separate licensees failed to keep proper embalming logs. The Board proposes to require each licensee pay a \$250 administrative penalty and \$250 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.2017, § 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.Supp.2017, § 396.2(12); 59 O.S.2011, § 396.12(C). The proposed actions seek to enforce Board requirements for funeral establishments to identify and account for the bodies processed and the services provided. The Board may reasonably believe the proposed actions are 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 these actions advance the State's policy to protect public health, welfare, and safety and to ensure an informed public.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN  
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