



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-696A

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

September 21, 2017

Dear Executive Director Ferguson:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Funeral Board intends to take with regard to complaint 17-40. The Board seeks to dismiss the complaint and issue a letter of concern. The complaint, which was filed by a consumer, alleged that the funeral establishment and funeral director in charge failed to maintain a General Price List identifying all prices for the various funeral services offered. The consumer was charged \$460 for certain fees which were not identified and disclosed as potential fees on the licensees' General Price List. After notice to and response by the licensees and investigation by the Board's investigator, the licensees refunded the challenged fees to the consumer. No monetary penalties are imposed and no restrictions are placed on the licenses.

The Funeral Services Licensing Act, 59 O.S.2011 & Supp.2016, §§ 395.1 – 396.33, authorizes the Funeral Board to take enforcement action against licensees for failure to comply with the Act, failure to comply with “any rules of the Board in administering the purposes of the Act” and/or failure to comply with “the Funeral Rules of the Federal Trade Commission.” 59 O.S.Supp.2016, § 396.12c(5), (8), (14). The Board's rules require that a printed or typewritten general price list disclosing prices and fees for merchandise and services offered by the funeral establishment be given to people who inquire in person about funeral goods or services offered by the funeral establishment. *See* OAC 235:10-7-2(3)(A); *see also* 16 C.F.R. § 453.2(b)(4). Further, the funeral director in charge is responsible for the legal and ethical operation of the funeral establishment. 59 O.S.2011 & Supp.2016, §§ 396.2(12), 396.12(C). The proposed action seeks to enforce the Board's requirements for funeral establishments to maintain a General Price List. The Board may reasonably believe a letter of concern will adequately 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 of Oklahoma's policy to protect the public health, welfare and safety and to ensure an informed public.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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