



Oregon

Mortuary and Cemetery Board

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CONSENT ORDER

State Mortuary and Cemetery Board State of Oregon

In the Matter of the
Funeral Establishment License of
Affordable Funeral Alternatives, Inc.
(FE-8386),

Licensee

Case No. 06-1005A

Consent Order

WHEREAS, the Oregon Mortuary and Cemetery Board (Board) is prepared to issue a notice of proposed disciplinary action in Case No. 06-1005A, the Board and Affordable Funeral Alternatives Inc. (Licensee) agree to resolve this matter on the terms set forth below.

1. The parties stipulate to the following facts and findings:

a. At all times mentioned herein Licensee was licensed by the Oregon Mortuary and Cemetery Board (OMCB License No. FE-8386). At all times the funeral establishment's assigned manager was Andrea Hickerson (OMCB License No. CO-3774).

b. On February 11, 2006, Licensee entered into a contract with Mr. Morris to provide final disposition arrangements for his widowed, deceased mother, M. Morris. Mr. Morris was the person with the right to control final disposition of the decedent's remains pursuant to ORS 97.130(2). The method of final disposition arranged was interment at Gresham Pioneer Cemetery. The remains of M. Morris were being held at Gresham Funeral Chapel (OMCB License No, FE-8368).



c. On February 13, 2006, Licensee entered into a contract with Mr. T. Browne to provide final disposition arrangements for his deceased wife, A. Browne. Mr. Browne had the right to control final disposition of the decedent's remains pursuant to ORS 97.130(2). The method of final disposition was cremation. The remains of A. Browne were being held at Gresham Funeral Chapel. Licensee contacted the crematory, Portland Cremation Center, LLC. (OMCB License No. CR-0694), to transport the remains of A. Browne to the crematory in Portland.

d. On February 13, 2006, Portland Cremation Center, LLC. manager, Craig Collins (OMCB License No. FS-0500), arrived at Gresham Funeral Chapel to take custody of the remains of A. Browne for cremation. Licensee's manager, Andrea Hickerson, signed and dated a Portland Cremation Center, LLC. document releasing custody of the remains of A. Browne to Portland Cremation Center, LLC.; however, Hickerson released the remains of M. Morris to Craig Collins. The remains of M. Morris were subsequently cremated at Portland Cremation Center, LLC.

e. Failure to properly identify remains prior to release to a crematory authority is failure to abide by the accepted standards of the death care industry and the minimum standards set forth by the Board in violation of OAR 830-030-0090(1)(i).

f. Failure to follow through with agreed upon interment arrangements with the Morris family when Licensee allowed the cremation of the remains of M. Morris is a violation of OAR 830-030-0090(1)(d).

g. Failure to obtain for the permanent record of M. Morris, an authorization to cremate the remains of M. Morris is a violation of OAR 830-040-0000(6).

h. Licensee immediately self-disclosed the foregoing circumstances to the Board.

2. Licensee hereby waives any and all rights to hearing, judicial review or other legal challenge to this Consent Order.

3. Licensee acknowledges that it has had the opportunity to seek advice of counsel regarding this Consent Order, voluntarily enters into this settlement, and agrees the Board may enter the order below.

ORDER

1. Licensee shall pay a civil penalty of \$2000.00 for violation of OAR 830-030-0090(1)(i), OAR 830-030-0090(1)(d), and OAR 830-040-0000(6).

2. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this 11th day of May, 2007.


MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON

By: _____


David J. Koach, Executive Director

It is so stipulated.

4/10/07
Date


John Gerbish, Corporate President
Licensee