



# Oregon

**Mortuary and Cemetery Board**  
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## CONSENT ORDER

### State Mortuary and Cemetery Board State of Oregon

In the Matter of the Combination  
Funeral Service Practitioner and  
Embalmer License of **John Gerbish**  
(CO-3139),

**Licensee**

**Case No. 06-1005F**

**Consent Order**

WHEREAS, the Oregon Mortuary and Cemetery Board (Board) is prepared to issue a notice of proposed disciplinary action in Case No. 06-1005F, the Board and John Gerbish (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. CO-3139). At all times Licensee was the corporate president of, and represented, Affordable Funeral Alternatives Inc. (OMCB License No. FE-8386).

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 (OMCB License No. CE-0529). The remains of M. Morris were being held at Gresham Funeral Chapel (OMCB License No. FE-8368).



c. On February 13, 2006, Affordable Funeral Alternatives Inc. 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. Affordable Funeral Alternatives 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. Affordable Funeral Alternative's manager, Andrea Hickerson (OMCB License No. CO-3774), 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 follow through with agreed upon interment arrangements with the Morris family is a violation of OAR 830-030-0090(1)(d).

f. 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 he 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 is hereby reprimanded.
2. This Consent Order shall become effective when signed by the Executive Director of the Board.

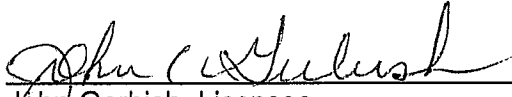
DATED this 25<sup>th</sup> day of April, 2007.

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, Licensee