

**BEFORE THE MORTUARY AND CEMETERY BOARD  
OF THE STATE OF OREGON**

<p>In the Matter of the Funeral Establishment license of Alderwoods (Oregon), Inc. dba American Burial &amp; Cremation of Oregon, Springfield (FE-8459),</p> <p style="text-align: center;"><b>RESPONDENT</b></p>	<p>Notice of Proposed Disciplinary Action And Opportunity for a Hearing</p> <p style="text-align: center;"><b>CASE NO. 06-1016C</b></p>
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Pursuant to ORS 692.180, the Oregon Mortuary & Cemetery Board ("OMCB" and "Board") proposes to take disciplinary action against you on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: Reprimand; license suspension or revocation; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

**Grounds for Disciplinary Action:**

1. At all times mentioned herein, Alderwoods (Oregon), Inc. dba American Burial & Cremation of Oregon, Springfield was licensed as a funeral establishment (OMCB License No. FE-8459)
2. It is the responsibility of the funeral establishment to assign a licensed funeral service practitioner as manager of the funeral establishment. OAR 830-030-0000(8); ORS 692.025(3)(b)
3. During the following approximate time periods, Respondent operated a funeral establishment without an assigned manager:
  - I. March 17, 2005 through June 9, 2005,
  - II. June 30, 2005 through November 3, 2005.
  - III. December 9, 2005 through February 23, 2006.
  - IV. May 1, 2006 through at least June 14, 2006.

4. On October 15, 2005 the Board verbally warned Respondent they must have a licensed funeral service practitioner as manager. On February 17, 2006 the Board sent a Letter of Concern to Respondent regarding this issue.
5. The foregoing four instances of failing to assign a funeral service practitioner as the funeral establishment manager are four specifications of violations of OAR 830-030-0000(8) which is cause for disciplinary action under ORS 692.180(1)(g) and ORS 692.025(3)(b).
6. Definitions that may be relevant to this notice are contained in: OAR 830-011-0000 and ORS 692.010.

### Rights and Procedures

**You are entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and ORS 692.265(1). If you want a hearing, you must file a written request for hearing with the State Mortuary & Cemetery Board (the "Board") within 21 days from the date this notice was mailed. If a request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to State Office Building, 800 NE Oregon St., Suite 430, Portland, Oregon 97232-2195.**

**If you request a hearing, you will be notified of the time and place of the hearing. You are required to be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Disciplinary Action. If you do not request a hearing within 21 days, or if you withdraw a hearing request, notify the Board or hearing officer that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default imposing a civil penalty as determined by the Board. If the Board issues a final order by default, it designates its file on this matter as the record for purposes of establishing a prima facie case.**

DATED this 4<sup>th</sup> day of June, 2007

**STATE MORTUARY AND CEMETERY BOARD**



Designee: Lynne Nelson, Compliance Manager