

## Notice of Proposed Denial of Application

### STATE MORTUARY AND CEMETERY BOARD STATE OF OREGON

In the Matter of the Preneed Salesperson Registration Application of <b>LESLIE A. HOLT,</b>  <b>APPLICANT</b>	Notice of Proposed Denial of an Application And Opportunity for a Hearing  <b>CASE NO. 07-1006</b>
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Pursuant to ORS 97.931 and ORS 692.180, the Oregon Mortuary & Cemetery Board proposes to deny your application for a Preneed Salesperson Registration on the grounds noted below.

#### **Grounds for Application Denial:**

1. On February 20, 2007, the Oregon Mortuary & Cemetery Board (the "Board") received Leslie A. Holt's (Applicant's) completed Application for a Preneed Salesperson Registration (the "Application").
2. The Application's Background Information section, Question #3, asks Applicant, "Have you ever been arrested, charged or cited for anything other than traffic violations?" Applicant wrote "Yes." The Application states, "If yes, Applicant must provide a detailed, complete and accurate written account of the facts and circumstances of each arrest or cite (include any dismissals)."
3. The Application's Background Information section, Question #4, asks Applicant, "Have you ever been convicted of a crime: felony or misdemeanor offense?" Applicant wrote "Yes." If yes, Applicant was to list the conviction(s) and provide a written, detailed, complete and accurate account of all the facts and circumstances of each crime which led to conviction(s).

4. Applicant stated she was arrested and charged with the felony crime of Possession of Controlled Substance in April 2003 which was reduced to Violation and Attempt to possess controlled substances Misdemeanor – Fine. Applicant provided the following explanation of the aforementioned arrest which led to a conviction:

*"I had expected [sic] a ride with a casual acquaintance. During which her vehicle was stopped by an off-duty Clackamas County officer. (They were looking for a vehicle of similar description.) She was unable to provide any identification and her vehicle was searched. As it so happened that her vehicle contained a small amount of controlled substance. (This was unknown to me.) As a result we both were cited [sic]. Unable to hire an attorney I plead guilty to a reduced charge."*

5. On or about November 18, 2002, Applicant was a passenger in a vehicle when the vehicle was stopped by a Clackamas County Sheriff Deputy in Washington County, Oregon for an improper lane change. During the traffic stop, Applicant admitted to the deputy that a 6" by 6" box on the floor of the vehicle that contained a crystal substance was Applicant's box, that she smoked methamphetamine earlier that day, and that she had been using methamphetamine for approximately one year.

6. Applicant received a citation in lieu of arrest, on April 7, 2003, for the Class C Felony crime of former ORS 475.992, renumbered ORS 475.840 (2005), "Possession of a Controlled Substance."

7. On May 7, 2003, Applicant pleaded guilty and was convicted of a Class A Misdemeanor crime Violation, ORS 161.405(2)(d), 475.992 "Attempting to Possess a Controlled Substance."

8. The foregoing misrepresentations by Applicant of the circumstances of her arrest and conviction are cause for refusal to grant a license under ORS 97.931(2), (3)(a), ORS 692.180(1)(a), ORS 692.180(1)(g), OAR 830-030-0090(2)(c)(D), OAR 830-030-

0090(2)(d)(B) and OAR 830-050-0050(2).

9. Definitions that may be relevant to this notice are listed in ORS 97.923, ORS 692.010 and OAR 830-011-0000.

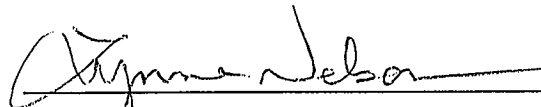
Rights and Procedures

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 Oregon Mortuary & Cemetery Board (the "Board") at 800 NE Oregon Street, Portland, OR 97232, within 60 days from the date this notice was mailed. If a request for hearing is not received within this 60-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the time and place of the hearing. You may be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Denial of Application. If you do not request a hearing within 60 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 denying your Application. If the Board issues a final order by default, it designates its file on this matter as the record.

DATED this 24<sup>th</sup> day of May, 2007.

STATE MORTUARY AND CEMETERY BOARD



Designee: Lynne Nelson, Compliance Manager