

Oregon Mortuary and Cemetery Board
Consumer-Industry Advisory Committee Meeting
Tuesday July 10, 2007

Minutes

Members Present:

Jon Cummings,	Chair, OMCB
Rick Bennett,	AARP
Joncile Martin	OMCB
Wally Ordeman,	OFDA
Tim Corbett,	CAO
Nancy Felton,	CAO

Members Absent:

Don Ballantyne	Crematories
John Springer	Crematories
Christina Todd	FCAO
Scott Logan	OFDA

Guests:

None

The meeting was called to order at 9:10 am

Old Business:

Wally Ordeman asked if CAO would split the \$284.00 balance for the printing of the recommended Inspection forms, the OMCB paid \$284.00, Nancy Felton stated that CAO would send OFDA a check in the amount of \$142.00.

Rick Bennett stated that he would not be attending the July 24, 2007 OMCB meeting, Wally, Tim and Nancy will be attending (not sure if other committee members will be present).

Minutes from the June 5, 2007 meeting were reviewed and approved.

New Business:**Investigation Process:**

Review the procedure information provided by OMCB staff.

Procedures discussed included:

- Are inquiry only/informal complaints being tracked at this time for future reference?
- At what point is the licensee told of a complaint being filed?
- How much information should be given to licensee, not to impede investigation?
- Once the formal complaint is received why does it go to 4 different people for review?
- Does Staff negotiate the violation/penalty phase? When?

Tim Corbett provided committee members with draft versions of procedure recommendations and forms for review/discussion. The draft written procedure addresses on how to handle inquiries/complaints depending on how inquiry/complaint is received. There are two types of forms.

- **Consumer Inquiry/Complaint Form:**

This form is intended for complainants who may not want to file a formal complaint. They would be encouraged to complete this form whenever they have a concern or complaint regarding a licensee. The form would be available at OMCB website.

- **Telephone or Letter Inquiry/Complaint Form:**

This form would be used to ensure consistent recording of complaint information which is not received on a standard OMCB complaint form.

Parts A, B and C are the same attachment for both forms. They include provisions for (Part A) determining if a formal complaint exists, (Part B) a minimal initial investigation by staff and (Part C) determination by the Board whether to continue the investigation and ensure that there is proper Licensee notification at the appropriate time.

After reviewing the draft recommendations there was general discussion on the following:

There is a concern regarding a licensee's "due process". Is there anything that goes out to licensee that explains the process and rights of a licensee and shouldn't the licensee get to speak on their own behalf? Tim Corbett suggested that it should at least be comparable to a traffic violation.

The draft forms may need more work but are steps towards make the process more consistent.

At what point can the licensee be told the exact nature of the violation?

Shouldn't the licensee have the opportunity to go before the Board prior to any decision on disciplinary action?

Why and when are penalties/fines negotiated? What is the procedure for negotiations?

How many cases are negotiated down rather than going to hearing?

What would be the financial impact if negotiations went away?

Does OMCB receive funds or a portion of from fines/penalties? If so where are they reflected in the budget?

What is the cost for attorneys and other associated fees during the hearing process?

Form letters are needed to properly inform licensees and complainants of the process and their rights.

Perhaps both licensee and complainants need the opportunity to speak to the Board.

Other items of discussion ~

- What process is there for a licensee if they have a grievance with Staff or Board? If the recommendation for a committee to hear concerns about the inspection process is accepted, couldn't they also perform a similar function for concerns about the investigation process?
- Why does staff sit with Board during public meetings/general session? Most government bodies or Boards do not have staff sitting at the Board, Council or Commission members table. Staff should be speaking only when asked a direct question or when giving a report to the Board. The current arrangement may be creating a perception of staff having an inappropriate amount of influence over Board decisions. This may also lead to a perception that rather than the staff getting direction from the Board the Board gets direction from staff. It was agreed to take this issue up at a later date.

Our next meeting will be Tuesday, July 31, 2007 from 9am until 12:00 noon at the AARP office.

Meeting adjourned at 11:45 am.

Written by Nancy Felton
July 18, 2007