

Oregon Mortuary and Cemetery Board
Consumer-Industry Advisory Committee Meeting
Tuesday July 31, 2007

Minutes

Members Present:

Rick Bennett, AARP
Joncile Martin OMCB
Wally Ordeman, OFDA
Tim Corbett, CAO
Nancy Felton, CAO
Don Ballantyne Crematories
Scott Logan OFDA

Members Absent:

Jon Cummings Chair, OMCB
John Springer Crematories
Christina Todd FCAO

Guests:

Chad Dresselhaus AFCTS

The meeting was called to order at 9:10 am by acting Chair, Rick Bennett.

Old Business:

Minutes from the July 10, 2007 meeting were reviewed and approved.

The meeting began with a discussion of the May 22, 2007 Board Meeting. While attendees remain hopeful that the recommendations will be evaluated in a fair and impartial manner and met with an open mind, there were several concerns on the part of CIAC members. There was some degree of consternation over the decision to postpone discussion and questions as to why the Board's legal representative was dismissed after the executive session. There were a number of the OMCB members who did not seem prepared to discuss the Inspection process recommendations that were presented which impacted the effectiveness of the meeting. There was also concern regarding the lack of a defined process to evaluate the recommendations. Finally, several CIAC members felt frustrated with the extent to which staff was allowed to air concerns about the recommendations while CIAC members, were seated in the audience and not recognized as equal participants in the discussion.

A special general session OMCB was scheduled September 24, 2007 to discuss the recommendations.

The CIAC would like to prepare an Agenda for the September 24th meeting that would help define a clearer process for the evaluation of recommendations. The goal would be to foster a more collaborative approach rather than an atmosphere of a debate between staff and CIAC members. The pros and cons of the recommendations should simply be presented in a concise manner and put to a vote of the Board. We will discuss this at our September 11th meeting.

Other Issues:

- (1) On behalf of CIAC, Joncile Martin has requested from staff answers to the following questions.
- * What is the cost of staff and lawyer time for hearings requested by licensee?
 - * Where do the funds go from fines and civil violations?
 - * If the negotiation process went away, would hearings increase?
 - * Who starts negotiation process?
 - * Is staff negotiating fines? If so, why?
- (2) Is the OMCB Complaint Review Committee (CRC) needed? Could this function be addressed through the CIAC recommendations? Should staff make recommendations to the Board, rather than the CRC?
- (3) OFDA Ethics Committee was discussed. Members of this committee have limited training, but do attend mediation training sessions/seminars every couple of years. If ethics committee members were able to take additional mediation training would the OMCB refer some items for mediation?

Investigation Process:

Review and discussion of the proposed changes to the draft complaint form and process, forms look good. Tim Corbett will fine-tune them in response to discussion at the July meeting.

If a licensee agrees with complaint can they plead guilty or no contest and accept penalty in writing to pare down the current process?

New Business:

Rick Bennett stated that he had a conversation with a representative from FTC who had heard about the CIAC Rick explained the primary goal is to have the OMCB inspect facilities and work within boundaries as required by Oregon Statute. This could be accomplished by streamlining the process but not reducing the protection of consumers or industry. This might include removing the inspection of FTC requirements but still having the OMCB investigate FTC violations. Rick indicated the FTC representative seemed to have no concerns with the idea.

There was some discussion regarding making recommended changes to OARs and the fact that the committee should be able to do so fairly quickly due to all the ground work that has been done. Tim Corbett offered to take a shot at a first draft.

Meeting adjourned at 11:45 am. The next meeting is scheduled for September 11, 2007 at AARP offices in Clackamas.

Written by Nancy Felton
August 28, 2007