

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

<p>In the Matter of: Sheila Larson (Preneed Salesperson License PN-8551, Expired)</p> <p style="text-align: center;">RESPONDENT</p>	<p>Notice of Proposed Disciplinary Action And Opportunity for a Hearing</p> <p style="text-align: center;">CASE NO. 05-1014</p>
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Pursuant to ORS 692.180, the Oregon Mortuary & Cemetery Board (Board; OMCB) proposes to impose discipline on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: reprimand, civil penalty of up to \$1000 for each violation, suspension, and revocation; or other sanctions as authorized by law.

1. At all relevant times herein, DKN Properties, Inc. dba Rest Lawn Memorial Park (Rest Lawn) was licensed by the Oregon Mortuary and Cemetery Board (OMCB) as a cemetery (OMCB License No. CE-0655).
2. From at least November 1, 2004 through approximately December 20, 2004, Sheila Larson (Respondent) was employed at Rest Lawn.
3. From January 3, 2005 through February 28, 2006 Respondent was licensed by the OMCB as a Preneed Salesperson (OMCB License No. PN 8551). Previously, Respondent was licensed as a Preneed Salesperson from March 1, 2002 through February 29, 2004.

Grounds for Disciplinary Action:

4.

4a. On or about November 22, 2004, Respondent, while representing Rest Lawn, met with a consumer, Debra A., who ordered a granite grave marker for placement on a grave space at

Rest Lawn. Debra A. gave Respondent \$226.00 cash for the marker, and an additional \$40.00 cash to expedite placement of the marker before December 25, 2004.

4b. The Respondent completed, and both Respondent and Debra A. signed, a document titled, "Cemetery Interment Rights, Merchandise and Services Purchase Agreement." The document contained the \$226.00 charge for the marker, but did not include the \$40.00 fee paid by Debra A. to expedite the marker placement.

4c. On or about December 30, 2004, Rest Lawn Memorial Park terminated Respondent from employment at Rest Lawn. When Respondent left the facility, she took with her the file containing the aforementioned Agreement, the \$226.00 cash payment for the marker, and the \$40.00 cash payment to expedite the placement of the marker.

4d. Upon the request of the cemetery principal owner, David Noble, Respondent returned the file containing the Agreement and \$226.00 cash, but Respondent did not return the \$40.00 cash payment made by Debra A. to expedite the placement of the marker.

4e. By failing to expedite installation of the marker and failing to return the \$40.00 cash payment made by the client for expedition of the marker installation, Respondent engaged in fraudulent or dishonest conduct that bears a demonstrable relationship to either the funeral service practice or the operation of a cemetery.

4f. The foregoing is a violation of ORS 692.180(1)(b), for which the Board may impose discipline.

5.

5a. During the time Respondent was licensed as a Preneed Salesperson, the OMCB instructed Respondent, on at least two occasions, to provide a written response to allegations of fraudulent or dishonest conduct at Rest Lawn in the following manner:

- i. On July 22, 2005, the OMCB sent Respondent a written request for a written response by August 5, 2005 to certain allegations of dishonest conduct via regular US mail to the address provided by Respondent.
- ii. On August 8, 2005, the OMCB sent Respondent a written request for a written response by August 19, 2005 to certain allegations of dishonest conduct via certified

mail #7003 2260 0001 3347 0480. On August 12, 2005 the OMCB received a signed receipt for the Board's letter, indicating Respondent received the OMCB letter.

5b. Respondent failed to provide the OMCB with a written response to the allegations as requested above. The foregoing is a violation of OAR 830-030-0090(2)(d), and OAR 830-050-0050(6), which is grounds for imposition of a civil penalty under ORS 692.180(1)(g).

5c. OAR 830-011-0070(4) requires a Preneed Salesperson to advise the Board in writing within 30 days of any address changes. Respondent did not provide the Board with notice of an address change.

5d. In addition, after Respondent's Preneed Salesperson license expired, the OMCB requested that Respondent, on at least two occasions, provide a written response to the allegation of fraudulent or dishonest conduct at the foregoing cemetery in the following manner:

iii. On December 19, 2006, the OMCB sent Respondent a request for a written response by January 1, 2007 to allegations of dishonest conduct via certified mail # 7003 2260 0001 3347 2514 to Respondent's last known address requesting a written response. On December 27, 2006, the OMCB received the unopened OMCB letter marked "Not Deliverable as Addressed, Unable to Forward."

iv. On December 27, 2006, OMCB Investigator spoke with Respondent by phone who provided an updated home address. On January 18, 2007 the OMCB sent Respondent a request for a written response by January 31, 2007 to allegations of dishonest conduct via certified mail #7003 2260 0001 3347 0015. On February 8, 2007 the Board received the unopened certified letter marked "Unclaimed."

6.

Definitions that may be relevant to this notice may be found in OAR 830-011-0000; ORS 692.010; ORS 97.010.

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 may, but are not 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 discipline 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 __11th__ day of July, 2007

STATE MORTUARY AND CEMETERY BOARD

____<s> Lynne Nelson_____
Designee: Lynne Nelson, Compliance Manager