

Notice of Proposed Denial of Application

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

In the Matter of the Preneed Salesperson Registration Certificate Application of SARAH MARTINSEN, APPLICANT	Notice of Proposed Denial of an Application And Opportunity for a Hearing CASE NO. 10-1064
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Pursuant to ORS 692.180 and ORS 97.931 the Oregon Mortuary & Cemetery Board proposes to deny your application for Preneed Salesperson Registration Certificate on the grounds noted below.

Grounds for Application Denial:

1. On November 4th, 2010 the Oregon Mortuary & Cemetery Board (“Board”) received a completed application for Preneed Salesperson Registration Certificate (“Application”) from Sarah Martinsen (“Applicant”).
2. Application and a background investigation for preneed salespersons are required or permissible pursuant to ORS 97.931, OAR 830-011-0070(2) and ORS 692.180(1).
3.
 - 3a. The Application’s Background Information section, Question #3, asks Applicant, *“Have you ever been arrested, charged or cited for anything other than traffic violations?”* The Applicant answered “no”
 - 3b. The Application’s Background Information section, Question #4, asks Applicant, *“Have you ever been convicted of, or are you currently charged with, committing a crime whether or not adjudication was withheld?”* Applicant answered “No.”

3c. A background investigation revealed the following criminal charges and convictions for the Applicant:

COURT	COURT CASE #	CONVICTION DATE	OFFENSE
KCDC-So Div (pr Fwd) (King County Court)	CA02566FW	03/05/1990	Negligent driving Misdemeanor
Pierce Co District Court	960147817	7/25/1996	DUII Misdemeanor
Sno Co-Cascade Div (Snohomish County Court)	C3323A	09/19/2001	Driving While suspended Misdemeanor
Sno Co-Evergreen Div (Snohomish County Court)	C2530SU	03/18/2003	Driving While suspended Misdemeanor
KCDC-So Div (pr Fwd) (King County Court)	CA14333FW	05/29/2003	DUII Misdemeanor
KCDC-So Div (pr Fwd) (King County Court)	CA14333FW	05/29/2003	Hit and run Property Damage Misdemeanor

3d. Applicant, therefore, misrepresented her criminal history and failed to answer truthfully and completely on her Application in at least twelve instances in violation of OAR 830-050-0050(2), OAR 830-050-0050(9), OAR 830-030-0090(2)(c)(D), and OAR 830-030-0090(2)(d)(B), and ORS 692.180(1)(g). Applicant also violated ORS 692.180(1)(a) and ORS 692.180(1)(b).

4.

For the foregoing reasons, and pursuant to OAR 830-011-0080(2), ORS 97.931(3) and ORS 692.180(1)(g), the Board proposes to deny Applicant's Application for Preneed Salesperson Registration Certificate.

5.

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

Opportunity for Hearing

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 60 days from the date this notice was mailed. If a request for hearing is not received by the Board within this 60-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to the Oregon Mortuary and Cemetery Board, 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 be represented by an attorney at the hearing. Parties are ordinarily and customarily represented by counsel. You are not required to be represented by counsel, unless you are an agency, trust, corporation or association. 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 imposing the 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 ___13th___ day of December, 2010

STATE MORTUARY AND CEMETERY BOARD

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