

**Notice of Proposed Denial of Application**

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

<p>In the Matter of the Funeral Service Practitioner Apprenticeship Certificate Application of <b>Patricia Chamberlan,</b></p> <p><b>APPLICANT</b></p>	<p>Notice of Proposed Denial of Application And Opportunity for a Hearing</p> <p><b>CASE NO. 07-1023</b></p>
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Pursuant to ORS 692.180 the Oregon Mortuary & Cemetery Board proposes to deny your application for a Funeral Service Practitioner Apprentice Certificate on the grounds noted below.

**Grounds for Application Denial:**

1. On May 14, 2007, the Board received Patricia Chamberlan's (the "Applicant's") completed Application for a Funeral Service Practitioner Apprentice Certificate (the "FSPA Application").
2. On January 26, 2007, the Board had received Applicant's completed Application for a Preneed Salesperson Registration (the "Preneed Application").
3. Question 3 on both the Preneed Application and the FSPA Application, Background Information, asks Applicant, "Have you ever been arrested, charged or cited for anything other than traffic violations?" Applicant wrote "No" on the Preneed Application. Applicant wrote "Yes" on the FSPA Application. Both applications state, "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)."

4. Question 4 on both the Preneed Application and the FSPA Application, Background Information, asks Applicant, "Have you ever been convicted of a crime: felony or misdemeanor offense?" Applicant wrote "No" on the Preneed Application. Applicant wrote "Yes" on the FSPA Application. If the answer was "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).

5. Applicant attached copies of four documents to her FSPA Application:

- a. Citation U19566, issued to Applicant, for a 1988 traffic crime, "Giving False Name to Police Officer."
- b. A Judgment Order, Coos County District Court Case no. 88CR0750, dated May 16, 1988.
- c. Letter from Applicant to the Board, dated February 26, 2007, regarding her Preneed Application. Applicant states in the letter:

*I remember being pulled over by a police officer on Highway 101 in the late 1980s. I remember receiving a pink traffic ticket for speeding and going to the courthouse. At the courthouse, I was informed that a trial and another appearance would be required. Unable to take more time off work, I plead guilty and paid the fine.*

- d. Letter dated April 23, 2007, from Applicant to the Board, in which Applicant states she received a traffic infraction.

6. On April 5, 1988, Applicant received a citation for the Class A misdemeanor crime of ORS 162.385 (1987) "Giving False Name to Police Officer," in Coos County, Oregon.

7. On May 16, 1988, Applicant appeared at the arraignment hearing at Coos County Oregon Circuit Court in Coquille, Oregon, waived her right to an attorney, pleaded guilty to the crime of Giving False Information to a Police Officer, and signed the Judgment Order in Coos County Circuit Court Case No. 88CR-0750 to pay \$50.00 and accept probation for

a period of one year. Applicant also pleaded guilty to driving while suspended, a violation of ORS 811.175 (1987).

8. During interviews with Board investigators in January and February 2007, Applicant denied that her driver's license had been suspended, denied that she had been placed on probation, and denied having a criminal conviction.

9. Therefore, in her Preneed Application to the Board, Applicant failed to disclose the 1988 citation, and Applicant failed to disclose the 1988 conviction, for the Class A misdemeanor crime of "Giving False Information to Peace Officer." In addition, Applicant misrepresents the facts and circumstances of the arrest and conviction in her FSPA Application.

10. Applicant's misrepresentations in the course of obtaining a license, and failure to answer Board inquiries truthfully and completely are grounds to deny the FSPA Application under 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).

11. In addition, Applicant's conviction of the Class A misdemeanor crime of "Giving False Information to Police Officer", in light of her recent misrepresentations in the Preneed and FSPA applications, has a demonstrable bearing on the standards of honesty and integrity, which are essential in the funeral services profession. Funeral Service Practitioners conduct financial transactions with vulnerable consumers. Applicant's conviction is grounds for denial of the Application under ORS 670.280(2), (3), ORS 692.180(1)(g) and OAR 830-050-0050(3).

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

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**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 6<sup>th</sup> day of June, 2007.

STATE MORTUARY AND CEMETERY BOARD



Designee: Lynne Nelson, Compliance Manager