

**Notice of Proposed
Preneed Salesperson Registration Revocation**

State Mortuary and Cemetery Board

State of Oregon

In the Matter of the
Preneed Salesperson Registration
of **Robert L. Hall,**

Respondent

Notice of Proposed
Preneed Salesperson Registration
Revocation

AMENDED

Case No. 08-1054

Pursuant to ORS 692.180(1) and ORS 97.931(3) the Oregon Mortuary & Cemetery Board ("Board") proposes to revoke Respondent's Preneed Salesperson Registration certificate.

Grounds for Disciplinary Action:

1. On or about November 11, 1997, the Oregon Mortuary & Cemetery Board (Board) issued Preneed Salesperson Registration #PN-7384 to Robert L. Hall ("Respondent"). In 2002, 2004, 2006 and 2008 Respondent renewed the Registration #PN-7384.
2. On September 5, 2008, the Department of Consumer and Business Services (DCBS), Insurance Division entered Stipulated and Final Order, Case Number INS 08-08-003 against Respondent, revoking Respondent's Insurance license #613172 for violation of ORS 744.074(1)(k). On September 11, 2006, Respondent forged the signature of a consumer on a funeral services contract.

3. The foregoing disciplinary action against Respondent by a State agency is cause for revocation of Respondent's Preneed Salesperson Registration under OAR 830-050-0050(5), ORS 692.180(1)(g) and ORS 97.931(3).

4. In addition, the facts and circumstances involved in the foregoing enforcement action involve fraudulent and dishonest conduct which bears a demonstrable relationship to funeral service practice in violation of OAR 830-050-0050(9). It also involves a sales practice that conceals a material fact, in violation of OAR 830-030-0100(9). Both of which are cause for revocation of Respondent's Preneed Salesperson Registration pursuant to ORS 692.180(1)(b) and ORS 692.180(1)(g) and ORS 97.931(3).

5. Finally, during an interview with the Insurance Division investigator regarding the above conduct, Respondent made an untruthful statement when he denied ever being the subject of an arrest or an investigation by an Oregon agency. Respondent was the subject of arrests and convictions in California and Oregon. In addition, Respondent was the subject of at least two Board investigations which resulted in the following Orders:

- a. OMCB Case No. 95-1039A, Consent Order effective ~~March 29~~ April 7, 1997
- b. OMCB Case No. 95-1039B, Consent Order effective November 26, 1997

6. The foregoing statement to a State Agency investigator is dishonest conduct which is cause for revocation pursuant to ORS 692.180(1)(b), OAR 830-050-0050(9) and ORS 692.180(1)(g) and ORS 97.931(3).

7.

7a. *In addition, on November 6, 2007 the Board received Respondent's completed 2008/2010 Preneed Salesperson Registration Renewal Application. In the Application, Respondent certified that he understood that any misrepresentation on his part or failure to fully disclose background information would be cause for disciplinary action by the Board, up to and including license revocation.*

7b. In the foregoing Renewal Application, Background Information section, one question asked Respondent, "Since your initial application or last renewal, have you been convicted of a crime? Yes or No ____" Respondent circled "No."

7c. On September 20, 2006 Respondent was convicted of Criminal Mischief 2nd Degree, a misdemeanor, in Washington County Circuit Court, Oregon.

7d. The foregoing failure to disclose his recent criminal history is misrepresentation on an Application which is cause for revocation of a license 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).

8. The Board therefore proposes to revoke Respondent's Preneed Salesperson Registration certificate.

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. The Board's address is 800 NE Oregon Street # 430, Portland OR 97232-2195. If a request for hearing is not received within this 21-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. A Notice of Contested Case Hearing Right and Procedures is enclosed with this Notice of Proposed Revocation of Preneed Salesperson Registration. If you do not request a hearing within 21 days, or if you withdraw a hearing request, notify the Board or administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default revoking your license. If the

Board issues a final order by default, it designates its file on this matter as the record for purposes of a prima facie case.

DATED this 6th day of January, 2009.

STATE MORTUARY AND CEMETERY BOARD

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