

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

<p>In the Matter of the funeral service practitioner apprenticeship license and embalmer apprenticeship license of PHILLIP D. SIEMENS,</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. 08-1055B</p>
--	---

Pursuant to ORS 692.180, the Oregon Mortuary & Cemetery Board proposes to take disciplinary action against you on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: Reprimand; license revocation; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

Grounds for Disciplinary Action:

1. At all times mentioned herein Phillip D. Siemens was licensed as a funeral service practitioner apprentice and embalmer apprentice (OMCB License Nos. AF-2035 and AE-3206, "Respondent"); and at all times mentioned herein, Respondent was employed by and working at Hughes Ransom Cremation & Mortuaries, Inc. dba Hughes Ransom Mortuary – Astoria, (OMCB License No. FE-8452).
2. At all times mentioned herein, Hughes Ransom Mortuary – Astoria contracted with the Funeral Consumers Alliance of Oregon, Inc. ("FCAO") whereby the funeral establishment agreed to offer final disposition arrangements of a direct cremation package to FCAO members for \$747.00.
3. On or about August 22, 2008, Frances D. met with Respondent to make final disposition arrangements for Henry D., her deceased husband. Frances D. identified herself and her deceased husband as FCAO members and requested the FCAO price for a direct cremation.

4. Respondent quoted the family approximately \$400.00 more than the current FCAO price of \$747.00. Frances D. left the funeral establishment to verify the correct FCAO price of a direct cremation on the FCAO website. When she later contacted the funeral establishment, she was able to receive the FCAO membership price.

5. Failing to quote and initially honor an accurate FCAO price for a direct cremation to an FCAO member is failure to abide by the accepted minimum standards of the death care industry in violation of OAR 830-030-0090(1) or failing to follow through with agreed upon arrangements in violation of OAR 830-030-0090(1)(d). Either are cause for discipline under ORS 692.180(1)(g).

6. In addition, failing to quote an accurate FCAO price is misrepresentation in the conduct of business, and fraudulent and dishonest conduct subject to discipline under ORS 692.180(1)(a) and (b), and a violation of OAR 830-050-0050(9) which is cause for discipline under ORS 692.180(1)(g).

7. The Board, therefore, proposes to initiate disciplinary action against Respondent.

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 by the Board within this 21-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 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 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 6th day of February, 2009

STATE MORTUARY AND CEMETERY BOARD

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