

Notice of Proposed Denial of Application
STATE MORTUARY AND CEMETERY BOARD
STATE OF OREGON

<p>In the Matter of the Preneed Salesperson Registration Application of MARIA D. QUINTERO,</p> <p style="text-align: center;">APPLICANT</p>	<p>Notice of Proposed Denial of Application And Opportunity for a Hearing</p> <p style="text-align: center;">CASE NO. 08-1058</p>
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Pursuant to ORS 692.180 and ORS 97.931 the Oregon Mortuary & Cemetery Board proposes to deny your application for a Preneed Salesperson Registration on the grounds noted below.

Grounds for Application Denial:

1.

On September 26, 2008, the Oregon Mortuary & Cemetery Board (the "Board") received Maria D. Quintero's (hereafter "Applicant") completed Application for Preneed Salesperson Registration (hereafter the "Application"). In the Application, Applicant certified that she understood that any misrepresentation or omission of fact on her application or supplementary background materials shall be cause for refusal to issue an Oregon License or Certificate.

2.

2a. In the Application, Background Information Question #3 asks the Applicant: "Have you ever been arrested, charged, or cited for anything other than traffic violations?" Applicant wrote, "Yes."

2b. The background form also requires that if the answer to the foregoing question is "Yes" the applicant must provide a detailed, complete and accurate written account(s) of the facts and circumstances of each arrest or cite (include any dismissals).

2c. Applicant disclosed two arrests for Driving Under the Influence of Intoxicants on her Application, one in 1990 and one in 2008.

2d. Applicant did not disclose at least the following arrests in Oregon:

- i. 1979, Klamath County, Disorderly Conduct.
- ii. 1991, Klamath County, Fugitive
- iii. 1994, Lane County, Assault 4th Degree – Domestic Abuse
- iv. 2008, Washington County, Driving While Suspended

2e. Applicant's failures to disclose the above arrests are specifications of misrepresentation on an Application.

3.

3a. In the Application, Background Information Question #4 asks the Applicant, "Have you ever been convicted of, or are you currently charged with, committing a crime whether or not adjudication was withheld?" Applicant wrote, "Yes" and admitted two DUI convictions or diversions.

3b. Applicant did not disclose the following misdemeanor convictions:

- i. 1979, Klamath County, Disorderly Conduct.
- ii. 2008, Washington County, Driving While Suspended (Sentencing included Bench Probation, fine of \$1000.00, statutory fees and assessments of \$188.65 and driving restrictions.

3c. Applicant's failures to disclose the above convictions are misrepresentations on an Application.

4.

4a. In the Application, Background Information Question #6 asks the Applicant, "Do you have any charges or legal matters that are currently unresolved?" Applicant wrote, "No."

4b. Applicant is serving court ordered bench probation through Beaverton Municipal Court, until March 8, 2010.

4c. Applicant's failure to disclose the above probation is misrepresentation on an Application.

5.

The foregoing misrepresentations or false and misleading statements pertaining to Applicant's arrests, convictions and unresolved legal matters, on an Application, are cause for refusal to grant a license under ORS 692.180(1)(a) and (g), OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B), OAR 830-050-0050(2) and ORS 97.931(2) and (3).

6.

Definitions that may be relevant to this notice are found in ORS 692.010, OAR 830-011-0000 and 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 Oregon Mortuary & Cemetery Board (the "Board") at 800 NE Oregon Street, Suite 430, 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. A Notice of Contested Case Hearing 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 22nd day of January, 2009

STATE MORTUARY AND CEMETERY BOARD

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