

Final Order by Default

State Mortuary and Cemetery Board

In the Matter of the Preneed Salesperson
Registration Application of

MARIA D. QUINTERO,
Applicant

Case No.: 08-1058

Final Order

On January 22, 2009, the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Denial of Application (Notice) on Applicant that it intended to deny her application for Preneed Salesperson Registration for violations of ORS 692.180(1)(a), ORS 692.180(1)(g), OAR 830-050-0050(2), OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B) and ORS 97.931(2) and (3). The Notice offered Applicant an opportunity for a hearing if requested within 60 days from the date the Notice was mailed. Applicant did not request a hearing within this 60-day period or otherwise. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following:

FINDINGS OF FACT

1. Applicants for a preneed salesperson registration must apply on a form provided by the Board and consent to a background check. ORS 97.931(1)(2) and (3)
2. Applicants are informed, by means of written notice on the application, that any misrepresentation or omission is cause for refusal to issue a registration.
3. By application received on September 26, 2008, Applicant applied to the Board for a Preneed Salesperson Registration.
4. Application question number three (3) of the Background Information Section asks if the Applicant has been arrested, charged or cited for anything other than traffic violations. If the answer is "yes", the Applicant is required to list all of the arrests, including dismissals, and provide a detailed, complete and accurate written account of the facts and circumstances of each arrest.
5. Application question number four (4) asks if the Applicant has ever been convicted of a felony or misdemeanor crime. If the answer is "yes", the Applicant is required to list all of the convictions and provide a detailed, complete and accurate written account of the facts and circumstances of each crime which led to the conviction.

6. Application question number six (6) asks if the Applicant has any charges or legal matters that are currently unresolved. If the answer is “yes”, the Applicant is required to provide a detailed, complete and accurate written account of the facts and circumstances of each matter currently unresolved.

7. Applicant answered “yes” to question number three and disclosed arrests for Driving Under the Influence of Intoxicants in 1990 and Driving Under the Influence of Intoxicants in 2008.

8. Applicant did not provide detailed, complete and accurate written accounts of the facts and circumstances for the following arrests: 1979, Klamath County, Disorderly Conduct; 1991, Klamath County, Fugitive; 1994, Lane County, Assault 4th Degree – Domestic Abuse; 2008, Washington County, Driving While Suspended. By failing to provide detailed, complete and accurate written accounts of the facts and circumstances of each of the foregoing arrests, Applicant misrepresented her criminal history to the Board. OAR 830-050-0050(2); ORS 692.180(1)(a)

9. Applicant answered “yes” to question number four and listed the convictions for the two Driving Under the Influence of Intoxicant crimes (1990 and 2008).

10. Applicant did not provide detailed, complete and accurate written accounts of the facts and circumstances for the following convictions: 1979, Klamath County, Disorderly Conduct and a 2008, Washington County, Driving While Suspended conviction that resulted in Bench Probation through March 8, 2010, a fine of \$1000.00, statutory fees and assessments of \$188.65 and driving restrictions. By failing to provide detailed, complete and accurate written accounts of the facts and circumstances of each of the foregoing convictions, Applicant misrepresented her criminal history to the Board. OAR 830-050-0050(2); ORS 692.180(1)(a)

11. Applicant answered “no” to question number six and failed to provide a detailed, complete and accurate written account of the facts and circumstances of the foregoing court-ordered bench probation she is serving through March 8, 2010. By failing to provide detailed, complete and accurate written account of the facts and circumstances of the unresolved legal matter in her application, Applicant misrepresented her criminal history to the Board. OAR 830-050-0050(2); ORS 692.180(1)(a)

ULTIMATE FINDINGS

1. By failing to give an accurate, detailed and complete account of the facts and circumstances for the arrests of “Disorderly Conduct,” “Fugitive,” “Assault 4th Degree – Domestic Abuse,” and “Driving While Suspended,” and the convictions of “Disorderly Conduct” and “Driving While Suspended,” and the unresolved bench probation, Applicant failed to answer truthfully and accurately inquiries regarding matters within the Board's jurisdiction and Applicant made false and misleading statements to the Board.

2. By failing to give a complete and accurate account of the facts and circumstances of all arrests, convictions and unresolved matters, Applicant misrepresented her criminal history to the Board.

CONCLUSION OF LAW

In applying to the Board for licensure, Applicant misrepresented her criminal history by making false and misleading statements. A false or misleading statement on a license application is grounds for license denial pursuant to OAR 830-050-0050(2), OAR 830-030-0090(2)(d)(B) and ORS 692.180(1)(g); and misrepresentation on an application to the Board is cause for refusal to grant a license pursuant to OAR 830-030-0090(2)(c)(D) and ORS 692.180(1)(a) and (g).

ORDER

1. Applicant's Preneed Salesperson Registration Application is hereby denied.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

DATED and ENTERED this __31st__ day of March, 2009.

<s> Michelle Gaines
Michelle Gaines, Executive Director
Oregon Mortuary & Cemetery Board

Date of Service: _____April 1, 2009_____

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of this order.