

CONSENT ORDER

State Mortuary and Cemetery Board State of Oregon

<p>In the Matter of the cemetery authority license of Twin Oaks Memorial Gardens & Mausoleum, LLC or Michael D. Terwilliger, sole proprietor; and In the Matter of the funeral service practitioner and embalmer licenses of Michael D. Terwilliger,</p> <p style="text-align: center;">Licensees</p>		<p style="text-align: center;">Case Nos. 08-1061A and 08-1061B Case Nos. 08-1062A and 08-1062B</p> <p style="text-align: center;">Combined Consent Orders</p>
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WHEREAS, the Oregon State Mortuary and Cemetery Board (Board) is prepared to issue Notices of Proposed Disciplinary Action against the Licensees in Case Nos. 08-1061A and 08-1061B, and 08-1062A and 08-1062B upon the following bases:

1. At all times mentioned herein, Michael D. Terwilliger was licensed by the Oregon Mortuary and Cemetery Board as a funeral service practitioner and embalmer (OMCB License No. CO-3650).
2. At all times mentioned herein, Twin Oaks Memorial Gardens and Mausoleum was licensed as a cemetery (OMCB License No. CE-0713) under the ownership of either Twin Oaks Memorial Gardens & Mausoleum, LLC or Michael Terwilliger, sole proprietor.
3. On or about October 15, 2007 a consumer, "DL", ordered a marker for the grave of her mother from Michael D. Terwilliger and Twin Oaks Memorial Gardens and Mausoleum ("Licensees"). Licensees advised the consumer that the marker would be installed before Memorial Day 2008. The marker was not installed until on or about November 4, 2008.
4. In 1993 a consumer, "EP" pre-paid the previous owner of the cemetery for a granite base for a veteran's plaque/marker. On October 9, 2007 EP died. Licensees agreed to order the granite base but did not do so until May 20, 2009. The base and marker were finally installed on or about September 2, 2009.
5. Failing to abide by accepted minimum standards of the death care industry is a violation of OAR 830-030-0090(1). Failing to follow through with agreed upon arrangements in a timely manner is a violation of or OAR 830-030-0090(1)(d). The foregoing are cause for disciplinary action under ORS 692.180(1)(g).

WHEREAS, the Board and the Licensee are desirous of resolving and settling those matters regarding Case Nos. 08-1061A and B, and 08-1062A and B without further proceedings thereon; and

WHEREAS, the Licensees are aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision in Case Nos. 08-1061A and B, and 08-1062A and B and hereby freely and voluntarily waives those rights; and

WHEREAS, Licensees hereby acknowledges that Licensee has read, understands, and agrees to the terms of this Consent Order and that this Consent Order constitutes the entire agreement of the parties and is a final order of the Board; and

WHEREAS, the Licensees agree that the Board enter the following order:

NOW THEREFORE IT IS HEREBY ORDERED:

1. Licensees are reprimanded for violating OAR 830-030-0090(1) or 830-030-0090(1)(d) and ORS 692.180(1)(g).
2. This Consent Order shall become effective when signed by the Executive Director

DATED this 21st day of May, 2010.

MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON

By: <s> Michelle Gaines
Michelle Gaines, Executive Director

CONSENT

I hereby acknowledge that I have read and understand the terms of the Consent Order. I agree to the Board entering the Consent Order.

May 17, 2010
Date

<s> Michael Terwilliger
Licensee Michael D. Terwilliger