

Notice of Proposed Denial of Application

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

<p>In the Matter of the Preneed Salesperson Registration Certificate Application of SHELLEY LYNN STEWART, APPLICANT</p>	<p>Notice of Proposed Denial of an Application And Opportunity for a Hearing CASE NO. 09-1067</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 Preneed Salesperson Registration Certificate on the grounds noted below.

Grounds for Application Denial:

1. On December 3, 2009, the Oregon Mortuary & Cemetery Board (“Board”) received an application for a Preneed Salesperson Registration Certificate (“Application”) from Shelly Lynn Stewart (“Applicant”).
2. Application and a background investigation for preneed salespersons are required pursuant to ORS 97.931, OAR 830-011-0070(2) and ORS 692.180(1).
3. The Application’s Background Information section, Question #3, asks Applicant, *“Have you ever been arrested, charged or cited for anything other than traffic violations?”* Applicant answered *“No.”*
4. In January 4, 2001, Applicant was charged with Property Hit and Run, a Class A Misdemeanor, for an incident that occurred on December 30, 2000 in Washington County, Oregon. Applicant was cited to appear in Washington County Circuit Court on January 30, 2001. When Applicant failed to appear in answer to the charge, a warrant was issued for her arrest on February 1, 2001. The charges in this case were dismissed in 2005.

5. On December 22, 2005, in Multnomah County, Oregon Applicant was arrested for Harassment, a Class B Misdemeanor. The charge was dismissed by Multnomah Circuit Court.
6. Applicant, therefore, misrepresented her arrest history on an application and failed to answer truthfully and completely in violation of OAR 830-050-0050(2), OAR 830-050-0050(9), OAR 830-030-0090(2)(c)(D), and OAR 830-030-0090(2)(d)(B), and ORS 692.180(1)(g). Applicant also violated ORS 692.180(1)(a) and ORS 692.180(1)(b).
7. The Board, therefore, proposes to deny Applicant's Application for Preneed Salesperson Registration Certificate pursuant to OAR 830-011-0080(2), ORS 97.931(3) and ORS 692.180(1)(g).
8. Definitions that may be relevant to this notice are listed in ORS 97.923, ORS 692.010 and OAR 830-011-0000.

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 60 days from the date this notice was mailed. If a request for hearing is not received by the Board within this 60-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 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 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 ___12th___ day of April, 2010

STATE MORTUARY AND CEMETERY BOARD

___<s> Lynne Nelson_____

Designee: Lynne Nelson, Compliance Manager