

## Notice of Proposed Refusal to Renew a License, Suspension

### STATE MORTUARY AND CEMETERY BOARD

### STATE OF OREGON

<p>In the Matter of the Preneed Salesperson Registration Certificate Renewal Application of <b>DOROTHY CRAIG</b></p> <p style="text-align: center;"><b>Certificate Holder.</b></p>	<p>Notice of Proposed Refusal to Renew a License, Suspension And Opportunity for a Hearing</p> <p><b>CASE NO. 10-1006</b></p>
--	---

Pursuant to Sections 2, 3 and 4 of Or Laws 2009 c. 576 and ORS 305.385, the Oregon Mortuary & Cemetery Board (Board) proposes to refuse to renew your Preneed Salesperson Registration Certificate and suspend the Certificate until the Board receives official notice that you are in compliance with applicable Oregon tax laws.

**1.**

**1a.** Sections 2, 3 and 4 of Or Laws 2009 c. 576 provides that regulatory agencies participating in a pilot project with the Oregon Department of Revenue (hereafter "DOR") may suspend, revoke, or refuse to renew an occupational or professional license to any licensee when DOR notifies the Board that it has determined that the licensee has failed to demonstrate or maintain tax compliance.

**1b.** The Board is a participant in the pilot project established under OR Laws 2009 c. 576. ORS 305.385(4) further authorizes the Board to refuse to renew a certificate until the Board receives a certificate from DOR stating that the certificate holder is in good standing with respect to tax compliance.

**2.**

**2a.** The Board previously issued a Preneed Salesperson Registration Certificate to Dorothy Craig (herein "Certificate Holder") under ORS 97.931 and OAR 830-011-0070.

**2b.** On or about December 31, 2009, DOR notified the Board that the Certificate Holder is not in tax compliance.

**2c.** On or about January 22, 2010, the OMCB received a 2010/2012 renewal application for Preneed Salesperson Registration Certificate from Certificate Holder.

**2d.** On or about February 8, 2010, the Board sent Certificate Holder a letter acknowledging receipt of the Renewal Application, and advising Certificate Holder that the Board would issue a Notice proposing denial of their renewal Application if the Certificate Holder did not come into tax compliance before the deadline for renewal. Pre-need Sales Registration Certificates must be renewed before March 1 in every even-numbered year. OAR 830-011-0070(5).

**2e.** The Board did not receive a notice of tax compliance from DOR before March 1, 2010. Certificate Holder is not in tax compliance. Therefore, the OMCB proposes to refuse to renew Applicant's Preneed Salesperson Registration Certificate and suspend the certificate until it receives notice from DOR that the Certificate Holder is in tax compliance.

**3.**

Definitions that may be relevant to this notice are listed in ORS 305.005, ORS 305.380, ORS 97.923 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 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 Hearing Rights and Procedures is enclosed with this Notice of Proposed Denial of an Application. 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 denial. 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 3rd day of March, 2010

STATE MORTUARY AND CEMETERY BOARD

---

OMCB Designee: Lynne Nelson  
Compliance Manager