

BEFORE THE OREGON MORTUARY AND CEMETERY BOARD

<p>In the Matter of the Funeral Establishment License of</p> <p>CHAPEL OF MEMORIES WEST LAWN, INC dba CHAPEL OF MEMORIES FUNERAL HOME, OMCB LICENSE NO. FE-8755,</p> <p>LICENSEE</p> <p>And</p> <p>In the Matter of the Combined Funeral Service Practitioner and Embalmer License of</p> <p>MARK D. MUSGROVE, OMCB LICENSE NO. CO-3281,</p> <p>LICENSEE</p> <p>And</p> <p>In the Matter of the Combined Funeral Service Practitioner and Embalmer License of</p> <p>DENNIS L. LARSON, OMCB LICENSE NO. CO-3227,</p> <p>LICENSEE</p>	<p>CONSENT ORDER</p> <p>CASE NO. 14-1038A</p> <p>CASE NO. 14-1038B</p> <p>CASE NO. 14-1038C</p>
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The Oregon Mortuary and Cemetery Board (Board), after receiving a complaint, initiated an investigation of Chapel of Memories West Lawn, Inc. dba Chapel of Memories Funeral Home (West Lawn), OMCB License No. FE-8755; Mark D. Musgrove (Musgrove), OMCB License No. CO-3281; and Dennis L. Larson (Larson), OMCB License No. CO-3227, regarding changes made to a preneed contract.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action, upon which West Lawn, Musgrove, and Larson (collectively, "Respondents") would be provided with the opportunity to request a hearing. In lieu thereof, the parties wish to resolve this matter informally by entering into this Consent Order on the terms set forth below, pursuant to ORS 183.417(3).

The Board and Respondents agree to the following:

1. At various times between October 1983 and June 1997, an individual and her husband made and prepaid for prearrangements with West Lawn for funeral and burial merchandise and services for themselves.
2. Individual died on June 17, 2014.
3. At the time of individual's death, in spite of the prepaid, pre-existing arrangements made by individual for herself, her children wished to make a substantive change to those arrangements, changing the form of final disposition from burial to cremation, and making related adjustments.
4. Making substantive changes to prepaid prearrangements is a violation of ORS 97.130(1).
5. Making changes to a prepaid prearrangement is also considered failure to implement and follow through with contractual arrangements made with individual in violation of OAR 830-030-0090(b).
6. Although the individual herself did not authorize the change in final disposition and related provisions of the prearrangements, all of the individual's children asserted vehemently that their mother had told them shortly after her husband died in 1999 that she also wished to be cremated and not buried. Individual's children signed a sworn, written statement in support of their assertion.
7. Respondents felt honoring the wishes and sworn statements of the children were prudent in this case, despite the conflict with ORS 97.130(1).
8. Individual did change prearrangement services from burial to cremation for her spouse in 1999.
9. Individual did not change her own prearrangements at that time.
10. There was no monetary advantage to the funeral home for changing the prearrangement from services and burial to cremation.
11. Musgrove is the manager of West Lawn.
12. Larson was the Funeral Service Practitioner who carried out individual's final disposition.
13. Violations of the Board's rules are cause for disciplinary action under ORS 692.180(1)(g).
14. Respondents acknowledge that they have read, understand, and agree to the terms of this Consent Order. Respondents agree to issuance of the Order voluntarily and without any force or duress. Respondents state that the Board and Board staff have not made promises or representations not stated herein to induce Respondents to sign this document and agree to issuance of the Order.
15. Respondents understand that they have the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and hereby fully and finally waive any and all right to a hearing and any rights to appeal or otherwise challenge this Consent Order.
16. Respondents agree the Board may issue the Order set forth below.
17. This Consent Order is a public document.
18. This Consent Order shall be effective when signed by the Executive Director of the Board.

ORDER

The Board issues the following final order:

1. Reprimand.

It is so agreed.

<signed by Mark Musgrove> / March 31 2015
Authorized Representative for Chapel of Date
Memories West Lawn Inc. dba Chapel
of Memories Funeral Home

OREGON MORTUARY AND CEMETERY BOARD

SIGNED AND EFFECTIVE this 7 day of April, 2015.

By: <signed>
Michelle Sigmund-Gaines
Executive Director