

STATE MORTUARY AND CEMETERY BOARD

STATE OF OREGON

<p>In the Matter of ALLISON ASHBROOK ASHBECK</p> <p>RESPONDENT</p>	<p>Notice of Proposed Disciplinary Action And Opportunity for a Hearing</p> <p>CASE NO. 09-1041D</p>
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Pursuant to ORS 692.180, the Oregon Mortuary & Cemetery Board (“OMCB”, “Board”) proposes to take disciplinary action against you in the form of civil penalty and reprimand on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: Reprimand; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

1.

1a. At all times mentioned herein, LaFollette, LLC dba Burns Mortuary of Pendleton (OMCB License No. FE-8561) was licensed by the Board as a funeral establishment in Pendleton (hereafter “Burns Mortuary”); and at all times mentioned herein, Brian LaFollette (hereafter “LaFollette”) was licensed as a funeral service practitioner (OMCB License No. CO-3220), and LaFollette was the assigned manager and an owner of Burns Mortuary.

1b. At all times mentioned herein Burns Mortuary employed Allison Ashbeck, an Oregon notary public who does not hold a license with this Board (hereafter “Respondent”); and at all times herein Burns Mortuary employed Brian Abell, who is licensed as a funeral service practitioner and embalmer (OMCB License No. CO-3002, hereafter “Abell”).

1c. For the following violations, the Board proposes to impose a reprimand and civil penalty:

2.

2a. On or about March 4, 2008, LaFollette and Abell went to another licensed funeral establishment in Pendleton (hereafter, "Funeral Home B") and presented seven (7) consumer file transfer requests. Each request is stamped with Respondent's notary stamp and contains Respondent's signature as a notary affirming the signature of the consumer in Respondent's presence. The requests are identified by initials: D.P., A.H. & J.H., R.B. & E.B., L.S. & P.S..

2b. With respect to at least one of the foregoing seven transfer requests, Respondent did not notarize the consumer's signature on Burn's Mortuary transfer request form at the time of the consumer's signature.

2c. With respect to at least one of the foregoing seven transfer requests, the consumer did not sign the form in Respondent's presence.

2d. With respect to at least one of the foregoing seven transfer requests, Respondent failed to verify it was the true signature of the consumer on the form she notarized.

3.

3a. Respondent acted contrary to the legal standards for notarization of documents. See ORS 194.166(11), (13); ORS 194.505; ORS 194.515; ORS 194.575. The conduct of Respondent, as described above in Section 2, violates OAR 830-030-0100(9), OAR 850-050-0050(9), or OAR 830-030-0090(2)(b)(B) which are cause for disciplinary action under ORS 692.180(1)(g) and violates ORS 692.180(1)(a) or (b).

3b. Further, the conduct described in Section 2 is considered unprofessional conduct, a failure to abide by the minimum accepted standards of the death care

industry, and inaccurate record-keeping which are violations of OAR 830-030-0090, OAR 830-030-0090(2)(b)(A), OAR 830-030-0090(2)(b)(C), OAR 830-040-0000(9)(b) or OAR 830-040-0000(6). The foregoing are cause for disciplinary action under ORS 692.180(1)(g).

4.

Definitions that may be relevant to this notice are listed in 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 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 Rights and Procedures is enclosed with this Notice of Proposed Disciplinary Action. 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 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.

