

## CONSENT ORDER

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### State Mortuary and Cemetery Board State of Oregon

<p>In the Matter of the combination Apprenticeship Embalmer and Apprenticeship Funeral Service Practitioner Certificates Application of</p> <p><b>NICOLAS CHARLES DURHAM,</b></p> <p style="text-align: center;"><b>Applicant/Licensee</b></p>	<p><b>Case No. 11-1040</b></p> <p><b>Consent Order</b></p>
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WHEREAS, the Oregon State Mortuary and Cemetery Board (Board) issued a Notice of Proposed Denial of Application (hereafter "Notice") for Embalmer Apprenticeship and Funeral Service Practitioner (hereafter "FSP") Apprenticeship Certificates on September 7, 2011, against Nicolas Charles Durham (hereafter "Licensee" or "Applicant") in Case No. 11-1040, which is incorporated by reference in this Consent Order; and

WHEREAS, the Board and the Licensee are desirous of resolving and settling those matters set forth in the Notice in Case No. 11-1040 without further proceedings thereon, and this Consent Order constitutes the entire agreement of the parties and is final order of the Board; the Board and Licensee agree to the following:

1. Licensee is 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 No. 11-1040 and hereby freely and voluntarily waives those rights;
2. Licensee hereby acknowledges that Licensee has read, understands, and agrees to the terms of this Consent Order;
3. For violating OAR 830-030-0090(5)(d), OAR 830-030-0090(5)(g) and ORS 692.180(1)(a), upon the effective date of this Consent Order, Licensee is placed on probation for the duration of his Embalmer and FSP apprenticeship certificates, subject to the following conditions:

- a. Licensee will comply with all laws and rules applicable to the death care industry.
  - b. Licensee will work under supervision.
  - c. Licensee will notify the Board, in writing, anytime his employer or employers change.
  - d. Licensee will provide a complete copy of this Consent Order to his current death care industry employer and to any other death care industry employer in Oregon that employs Licensee during the period of probation.
  - e. Licensee will provide Quarterly Reports from each employer regarding his conduct. Each Report must be received by the Board within ten days following the end of the quarter, and must include at a minimum:
    - i. The name and signature of Licensee's supervisor;
    - ii. Whether Licensee remains employed at this facility. If Licensee is no longer employed, the Report must provide the date Licensee was last employed and the reason for his departure;
    - iv. Whether Licensee has received any discipline from the employer during the quarter. The Report must state the nature of the discipline and the reason for such discipline.
4. If at any time during the prescribed probationary period, Licensee violates any provision of this Order, or any provision of ORS Chapter 692 or OAR Chapter 830, the Board may revoke all licenses held by Licensee;
  5. The Board shall determine satisfactory completion of the Licensee's probation based upon the Licensee's successful completion of the probationary period, criminal background checks and any other relevant information; and
  6. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this   4th   day of   October  , 2011.

MORTUARY AND CEMETERY BOARD OF THE  
STATE OF OREGON

By:   <s> Lynne Nelson    
Lynne Nelson, Interim Executive Director

**It is so agreed.**

  9/29/11    
Date

  <s> Nicolas Charles Durham    
Applicant, Nicholas Charles Durham