

CONSENT ORDER

State Mortuary and Cemetery Board State of Oregon

<p>In the Matter of the Application for Oregon Funeral Service Practitioner Apprenticeship Certificate and Oregon Embalmer Apprenticeship Certificate of HEATHER MALIA BROWN,</p> <p>APPLICANT</p>	<p>AGENCY CASE NO. 13-1016</p> <p>CONSENT ORDER</p>
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WHEREAS, the Oregon State Mortuary and Cemetery Board (Board) is prepared to issue a Notice of Proposed Denial of Applications for Oregon Funeral Service Practitioner Apprenticeship Certificate and Oregon Embalmer Apprenticeship Certificate against Heather Malia Brown (hereafter “Applicant”) in Case No. 13-1016 upon the following bases:

1. On February 15, 2013 the Board received a completed application from Applicant for an Oregon Funeral Service Practitioner Apprenticeship Certificate and an Embalmer Apprenticeship Certificate (hereafter “Application”). ORS 692.190, OAR 830-011-0020(5), OAR 830-011-0050(1)
2. In the Application, Applicant disclosed she had been previously licensed as an embalmer trainee and funeral director trainee in the State of Alaska from March 2009 until it expired in March 2010. Embalmer trainee and funeral director trainee certificates in Alaska are issued for a period of one year. Trainees then must reapply for a certificate.
3. Applicant disclosed that after her Alaska training certificates expired she made final disposition arrangements with families on behalf of a licensed funeral establishment in Sitka, Alaska without a license. Specifically, between October 2010 and February 2011 Applicant performed the duties that required a funeral director or embalmer license or training certificate in approximately seven (7) instances in violation of Alaska Statutes, Title 8, Chapter 42, Section 20.
4. In the Application, Applicant failed to fully disclose her places of residence in the Application’s section titled “Ten Year Residential Information.” Specifically, Applicant failed to list residence locations from November 2009 through July 2011 and from April 2012 through April 2013. Applicant therefore misrepresented her residential location history in violation of ORS 692.180(1)(a).

5. When the Board staff contacted Applicant and requested she fully disclose her residences, Applicant submitted information related to Oregon residences from April 2012 through April 2013, but she did not provide her residential information for the July 2011 through April 2012 period. By failing to comply with a Board request Applicant violated OAR 830-050-0050(4) which is cause for denial of her Application under ORS 692.180(1)(g).

6. Applicant's conduct as described in Sections 2, 3, 4 and 5 include misrepresentation on an application, misrepresentation in the conduct of business, dishonest conduct bearing a demonstrable relationship to funeral service practice and upon the standards of the profession, and conduct that is substantially related to the fitness and ability of the Applicant to engage in the activity for which the certificate is required although there are mitigating circumstances regarding applicant's misconduct. Specifically, Oregon funeral service practitioner apprentices and embalmer apprentices are expected to perform only those duties for which they are licensed, to conduct themselves honestly and without misrepresentation, they must be able to complete written documents accurately and completely, and must comply with the regulatory board's lawful requests completely and promptly.

7. For the foregoing reasons, denial of Applicant's Application for a Funeral Service Practitioner Apprenticeship Certificate and an Embalmer Apprenticeship Certificate is appropriate under ORS 692.180(1)(a), ORS 692.180(b), ORS 692.180(g) and ORS 670.280(3).

WHEREAS, the Board and the Applicant are desirous of resolving and settling the foregoing matters in Case No. 13-1016 without further proceedings thereon and this Consent Order constitutes the entire agreement of the parties and is a final order of the Board, the Board and Applicant agree to the following:

ORDER

The Board enters the following final order:

1. Applicant 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. 13-1016, and hereby freely and voluntarily waives those rights;
2. Applicant hereby acknowledges that she has read, understands, and agrees to the terms of this Consent Order;
3. This Order is a public document.
4. For violating ORS 692.180(1)(a), ORS 692.180(1)(b), ORS 692.180(1)(g) and ORS 670.280(3), Applicant's application for Funeral Service Practitioner Apprenticeship Certificate and Embalmer Apprenticeship Certificate is denied.

5. Applicant may reapply to the Board for a Funeral Service Practitioner Apprenticeship Certificate or Embalmer Apprenticeship Certificate or other license after February 15, 2014. OAR 830-020-0020(13)

6. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this __18th__ day of __November_____, 2013

MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON

By: __<s> Michelle Gaines_____
Michelle Gaines, Executive Director

It is so agreed.

__11-9-13_____
Date

__<s> Heather Brown_____
Applicant - Heather Malia Brown

__11-8-13_____
Date

__<s> Fred Miller_____
Legal Representative Signature, as Reviewed Only

__<p> Fred Miller_____
Legal Representative Printed Name