

CONSENT ORDER

STATE OF OREGON MORTUARY AND CEMETERY BOARD

In the Matter of the Combined Funeral Service Practitioner and Embalmer License of KEITH MERTES, CO-3566 LICENSEE	CONSENT ORDER CASE NO. 13-1019D
---	--

The Oregon Mortuary and Cemetery Board (Board) initiated an investigation of Keith Mertes (Licensee), OMCB License CO-3566, after it received a complaint regarding funeral arrangements for a decedent.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action. Licensee would be provided with the opportunity to request a hearing on such Notice. 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 Licensee agree to the following:

1. A decedent's family entered into an agreement with Mt. Scott Funeral Home, Inc. (Funeral Home) where Licensee is manager, for final disposition of decedent.
2. A Funeral Home's employee failed to obtain written authorization for embalming and to include the authorization in the permanent record for decedent in violation of OAR 830-030-0010(3), OAR 830-030-0090(4)(g), and OAR 830-040-0000(7).
3. A Funeral Home employee caused another person to be in violation of an applicable rule when she failed to get written authorization for embalming in violation of OAR 830-050-0000(2).
4. Principals are responsible for the actions of employees in accordance with OAR 830-030-0090(2).
5. Licensee agrees he has violated OAR 830-030-0090(2).
5. Licensee acknowledges he has read, understands, and agrees to the terms of this Consent Order. Licensee enters into this Consent Order without any force or duress. Licensee acknowledges that no promises or representations not stated herein have been made to induce signature on this Consent Order.
6. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and Licensee hereby fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Consent Order.
7. Licensee agrees the Board may issue the Order set forth below.

8. This Consent Order is a public document.
9. This Consent Order shall be effective when signed by the Executive Director of the Board.

ORDER

The Board issues the following final order:

1. Licensee is reprimanded for violation of OAR 830-030-0090 and OAR 830-040-0000(7).

It is so agreed.

September 20 2014
DATE

<Signed>
Keith Mertes, Manager
Mt. Scott Funeral Home, Inc.

DATED this 29 day of September 2014.

STATE OF OREGON MORTUARY AND
CEMETERY BOARD

<Signed>
Michelle Gaines
Executive Director