

# SETTLEMENT AGREEMENT & CONSENT ORDER

## State Mortuary and Cemetery Board State of Oregon

In the Matter of the Preneed Salesperson Registration Certificate Application of <b>TANIA JORGENSEN,</b>  <b>APPLICANT</b>	<b>Case No. 11-1022</b>  <b>SETTLEMENT AGREEMENT and CONSENT ORDER</b>
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On July 25, 2011, the Oregon Mortuary and Cemetery Board (Board) issued a Notice of Proposed Denial of Application to Tania Jorgensen (hereafter "Applicant") in Case No. 11-1022. Applicant timely requested an administrative hearing on this Notice. This Notice is attached to this Settlement Agreement and Consent Order and is incorporated by reference.

The Parties wish to settle these matters without any hearing or judicial review by entering this Settlement Agreement and Consent Order, pursuant to ORS 183.417(3).

### SETTLEMENT AGREEMENT

The Board and Applicant agree to resolve these matters informally on the following terms:

1. Applicant stipulates to the following:
  - a. Applicant entered into a 2009 Consent Order issued by the Oregon State Board of Pharmacy in which her Oregon Certified Pharmacy Technician License, CPT #0003499, was revoked and Applicant was civilly penalized \$1500.00 for violations of OAR 855-025-0040(3)(d), OAR 855-001-0035, OAR 855-025-0050(4), OAR 855-025-0050(15)(c) and (f), and OAR 855-025-0050(20);
  - b. Applicant's conduct, upon which the above disciplinary action was based, has a demonstrable relationship to death care industry practices or operations and is substantially related to the fitness and ability of the applicant to engage in the activity of a preneed salesperson which is grounds for denial of her application under OAR 830-011-0080(2), OAR 830-050-0050(5), ORS 97.931, ORS 692.180(1)(a) and (b), ORS 692.180(1)(g) and ORS 670.280(3);
  - c. Applicant signed the 2009 Consent Order admitting to the facts stipulated in the Order; however, Applicant denied those allegations in her explanation to the Board. Therefore, by either signing the Consent Order, or by denying the allegations in her explanation to the Board, Applicant was untruthful and engaged in misrepresentation which is grounds for denial of her application under OAR 830-050-0050(5), ORS 692.180(1)(a) and (g).
  - d. The Board has grounds for denying Applicant's Application for Preneed Salesperson Registration certificate pursuant to ORS 692.180(1), ORS 97.931 and ORS 670.280.

2. Applicant agrees the Board may enter the Order set forth below.
3. Applicant enters into this Settlement Agreement and Consent Order voluntarily and without any force or duress. Applicant acknowledges that no promises or representation not stated herein have been made to induce Applicant to sign this Settlement Agreement and Consent Order.
4. Applicant is aware of the right to a hearing under ORS chapter 183, and fully and finally waives all right to hearing and any right to appeal or otherwise contest this Settlement Agreement and Final Order.
5. The parties agree this Settlement Agreement and Consent Order takes effect on the date it is signed by the Executive Director of the Board.

### **ORDER**

The Board enters the following final order:

1. Applicant's application for a Preneed Salesperson Registration certificate is hereby approved under the following terms:
2. For violating OAR 830-011-0080(2), OAR 830-050-0050(5), ORS 692.180(1)(a) and (b) and pursuant to ORS 692.180(1)(g), ORS 97.931 and ORS 670.280(3), upon the effective date of this Consent Order, the Board shall immediately issue a Preneed Salesperson Registration certificate to Applicant. Applicant shall be placed on probation for twelve months from the date her license is issued, subject to the following conditions:
  - a. Applicant will comply with all laws and rules applicable to the death care industry.
  - b. Applicant will notify the Board, in writing, anytime her employer or employers change.
  - c. Applicant will provide a complete copy of this Consent Order to her current death care industry employer and to any other death care industry employer in Oregon that employs Applicant during the period of probation.
  - d. Applicant will provide three-month Reports from each employer regarding her conduct. Each Report must be received by the Board within ten days following the end of the three month period which will commence on the date of this Consent Order, and must include at a minimum:
    - i. The name and signature of Applicant's supervisor;
    - ii. Whether Applicant remains employed at this facility. If Applicant is no longer employed, the Report must provide the date Applicant was last employed and the reason for her departure; and
    - iii. Whether Applicant 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.

3. If at any time during the prescribed probationary period, Applicant 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 Applicant.
4. The Board shall determine satisfactory completion of the Applicant's probation based upon the Applicant's successful completion of the probationary period and criminal background checks.
5. This Consent Order shall become effective when signed by the Executive Director of the Board.

It is so ORDERED this 13th day of June, 2012.

MORTUARY AND CEMETERY BOARD OF THE  
STATE OF OREGON

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

It is so agreed.

5/31/2012  
Date

<s> Tania Jorgensen  
Applicant, Tania Jorgensen