

## Final Order

### State of Oregon Mortuary and Cemetery Board

In the Matter of the Denial of the  
Preneed Salesperson Registration  
Application of

Schawna Tanner,  
Applicant

Case No.: 06-1023

Final Order

On March 21, 2007 the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Denial of Application (Notice) on Schawna Tanner (Applicant) that it intended to deny her Preneed Salesperson Registration Application for violations of OAR 830-030-0090(1)(b) OAR 830-030-0090(2)(c)(C), OAR 830-030-0090(2)(b)(B), OAR 830-030-0004(1) and ORS 692.025(1). The Notice offered Applicant an opportunity for a hearing if requested within 60 days from the date the Notice was mailed. The Notice designated the Board's file on this matter as the record for purposes of default. Applicant requested a hearing on May 16, 2007 but withdrew the hearing request on October 3, 2007.

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following:

#### FINDINGS OF FACT

1. Applicants for a preneed salesperson registration must apply on a form provided by the Board and consent to a background check. ORS 97.931(1)(2) and (3)
2. By application received on June 15, 2006 Applicant applied to the Board for a Preneed Salesperson Registration.
3. Between approximately May 27, 2005 and June 3, 2006, Charlene Cox-Tanner and Jerome Cox-Tanner were registered with the Board as the joint proprietors of Cox and Cox Funeral Chapel, and licensed by the Board as a funeral establishment. Charlene Cox-Tanner is now deceased (OMCB License No. FE-8443).
4. At all relevant times, Jerome Cox-Tanner (Cox-Tanner) has been licensed as a funeral service practitioner (OMCB License No. FS-0382), and the assigned manager of Cox and Cox Funeral Chapel.
5. Schawna Tanner (Applicant) is Cox-Tanner's spouse. At all relevant times, Applicant was working at and representing Cox and Cox Funeral Chapel, and Applicant was not licensed by the Board.

6. While an agent of the funeral establishment, Applicant violated the following rules and statutes in the following manner:

a. Between May 27, 2005 and June 3, 2006, Applicant signed the name of "Jerome Cox-Tanner" on at least sixty-three (63) Certificates of Death. The Oregon State ID numbers are: 446151; 446152; 446153; 446154; 446155; 446159; 446162; 446166; 446170; 446174; 446175; 446177; 446179; 446180; 446185; 446202; 446203; 446204; 446205; 446206; 446208; 446212; 446214; 446215; 446216; 446217; 446218; 446221; 446222; 446223; 446224; 446225; 446226; 446227; 446228; 446229; 446230; 446231; 446232; 446233; 446235; 446237; 446238; 446239; 446242; 446243; 446245; 446246; 446247; 446248; 446249; 447150; 447154; 447169; 447170; 447171; 447172; 447173; 447174; 447175; 447196; 447197; 447198.

Oregon public health law provides that only a funeral service practitioner or person acting as a funeral service practitioner without payment shall submit the certificate of death to the county registrar or Center for Health Statistics (Vital Records). ORS 432.307(1) and (2) Compliance with Oregon public health laws is required of every licensee or agent of a licensed facility. OAR 830-030-0090(1)(b)

Using another's license is unacceptable conduct. OAR 830-030-0090(2)(c)(C)

Violations of OAR 830-030-0090(1)(b) and OAR 830-030-0090(2)(c)(C) are grounds for license denial under ORS 97.931(3), ORS 692.180(1)(g) and OAR 830-011-0080(2).

b. In addition to the foregoing Certificates of Death, Applicant signed Jerome Cox-Tanner's name on approximately 144 additional client service records including Statements of Funeral Goods and Services (contracts); Cremation Authorizations; Embalming Authorizations and Receipts for Cremated Remains.

By signing Jerome Cox-Tanner's name and not her name, Applicant falsified approximately 207 clients' records.

It is prohibited conduct for an agent of a licensed facility to falsify a client's funeral service record by signing someone else's name. OAR 830-030-0090(2)(b)(B)

Violations of OAR 830-030-0090(2)(b)(B) are cause for license denial under ORS 97.931(3), ORS 692.180(1)(g) and OAR 830-011-0080(2).

c. Between May 16, 2005 through June 3, 2006 Applicant worked directly with at need persons to arrange for the disposition of at least seven (7) decedents who died in Oregon and one decedent (1) who died in California. Applicant coordinated and directed the various tasks associated with performing funeral services for at need persons, and supervised or otherwise controlled the transportation, care, preparation, processing and handling of the remains before the bodies underwent cremation, entombment or burial for the following eight (8) decedents as identified by the following name or Oregon State identification numbers: 447179, 447175, 447197, 447196; 446232; 446212; and 447173. The California decedent is "Dorothy B."

An individual may not practice as a funeral service practitioner unless the individual is licensed as a funeral service practitioner under ORS 692.045. An individual practices as a funeral service practitioner if the individual, for payment, is engaged directly or indirectly in supervising or otherwise controlling the transportation, care, preparation, processing and handling of dead human bodies before the bodies undergo cremation, entombment or burial, or before the bodies are transported out of the State of Oregon. ORS 692.025(1)

Only a funeral service practitioner or funeral service practitioner apprentice shall: (a) Work directly with at need persons to arrange for the disposition of human remains; and (b) Coordinate and direct the various tasks associated with performing funeral services for at need persons including but not limited to: taking all vital information on the deceased for the purpose of filing the death certificate; arranging for transportation of the remains; coordinating the services for final disposition; supervising or otherwise controlling the care, preparation, processing and handling of human remains. OAR 830-030-0004(1)

Violations of OAR 830-030-0004(1) and ORS 692.025(1) are cause for license denial under ORS 97.931(3), ORS 692.180(1)(g) or OAR 839-011-0080(2).

### **ULTIMATE FINDINGS**

1. By signing another's name and submitting 63 Certificates of Death to Vital Records, Applicant used another's license and failed to comply with Oregon public health laws.
2. By signing another's name or license number and not her own name on 63 death certificates and 144 other client records, Applicant falsified approximately 207 clients' records.
3. By working directly with at need persons to arrange for the disposition of at least seven (7) decedents who died in Oregon and one decedent (1) who died in California, and by coordinating and directing the various tasks associated with performing funeral services for at need persons, and supervising or otherwise controlling the transportation, care, preparation, processing and handling of the remains before the bodies underwent cremation, entombment or burial for at least eight (8) decedents, Applicant performed the duties of a licensed funeral service practitioner or licensed funeral service practitioner apprentice when Applicant was not licensed.

### **CONCLUSIONS OF LAW**

1. Only a licensed funeral service practitioner shall submit the certificate of death to the Oregon Department of Human Services (Vital Records). Applicant, who was not licensed, used another's license in violation of OAR 830-030-0090(2)(c)(C); and violated a public health law, ORS 432.307(1) and (2), and therefore violated OAR 830-030-0090(1)(b), in 63 separate instances by signing another's name and submitting certificates of death to Vital Records.

2. A person may not falsify clients' records by signing someone else's name. OAR 830-030-0090(2)(b)(B). Applicant violated these laws when she signed 63 death certificates and 144 other client records using Jerome Cox-Tanner's name or license number.
3. Only a licensed funeral service practitioner shall coordinate and direct the various tasks associated with performing funeral services for at need persons, and supervise or otherwise control the transportation, care, preparation, processing and handling of the remains before the bodies undergo cremation, entombment or burial. OAR 830-030-0004(1) and ORS 692.025(1). Applicant violated these laws when she arranged funeral services for eight decedents.
4. Violation of ORS chapter 692 or any administrative rule adopted thereunder is cause for license denial under ORS 97.931(3), ORS 692.180(1)(g) and OAR 830-011-0080(2).

**ORDER**

1. Applicant's Preneed Salesperson Registration Application is hereby denied.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

DATED and ENTERED this \_\_<5<sup>th</sup>>\_\_ day of October, 2007.

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<s> David J. Koach  
David J. Koach, Executive Director  
Oregon Mortuary & Cemetery Board

Date of Service: \_\_\_\_<October 5, 2007>\_\_\_\_\_

**Appeal Rights:** You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of this order.