

## Final Order by Default

### State of Oregon Mortuary and Cemetery Board

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

**Case No.: 07-1035**

**Crystal J. Newham (Wood)**

**Final Order**

**Applicant**

On November 6, 2007 the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Denial of an Application (Notice) on Crystal Newham Wood (Applicant) that it intended to deny her Preneed Salesperson Registration Application for violations of ORS 97.931(3), 670.280(2), (3), 692.180(1)(a) and (i) and OAR 830-011-0080(2), and 830-050-0050(2), (3) and (9). The Notice offered Applicant an opportunity for a hearing if requested within 60 days from the date the Notice was mailed. Applicant did not request a hearing within this 60-day period or otherwise. The Notice designated the Board's file on this matter as the record for purposes of default.

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. Applicants are informed, by means of written notice on the application, that any misrepresentation or omission is cause for refusal to issue a registration.
3. By application received on August 27, 2007, Applicant applied to the Board for a Preneed Salesperson Registration.
4. Application question number two (2) of the Background Information Section asks if the Applicant has ever, as a licensee or applicant, received a reprimand, warning, violation, suspension, fine, cancellation (or denial) by any city, county or state licensing agency. Applicant's response was, "No."
5. On November 30, 2000, in Board Case No. 00-1030, the Board issued a Final Order by Default to Applicant in which the Board refused to issue a Preneed Salesperson Certificate of Registration because Applicant had been convicted of crimes whose facts and

circumstances have a demonstrable bearing on the standards of practice in the funeral business. In 1998, Applicant was convicted in Oregon of a Class A misdemeanor for Theft.

6. In the 2007 Application, Applicant disclosed two additional convictions in Oregon since her 2000 Application: a 2002 Theft II conviction under ORS 164.045, a Class A misdemeanor and a 2002 Forgery (Fraud-Credit Card) conviction, under ORS 165.055, a Class A misdemeanor.

7. The conduct and crimes described in paragraphs 5 and 6 have a demonstrable bearing upon the standards of the profession. A Preneed Salesperson Registration would allow Applicant to have contact with clients and access to their preneed payments, which may include cash, check or credit card; with which Applicant's behavior would be inappropriate.

8. The foregoing misrepresentation on an Application, thefts, and convictions that have a demonstrable bearing upon the standards of the profession are each cause for refusal to grant a license under ORS 97.931(3), 670.280(2), (3), 692.180(1)(a) and (i) and OAR 830-011-0080(2), and 830-050-0050(2), (3) and (9).

### **ULTIMATE FINDINGS**

1. By failing to disclose a prior disciplinary action by a state agency in the 2007 Application, Applicant made a false and misleading statement to the Board.
2. The disciplinary action of license denial, imposed against Applicant in 2000 for criminal conviction of Theft, is grounds for refusing to issue a Preneed Sales Certificate of Registration to Applicant.
3. Crimes which Applicant has committed are Theft, Theft II and Forgery. Consumers place their trust in a preneed salesperson and the repeated history of arrests and conduct are not consistent with the type of person that the public expects will be making prearrangements for final disposition. The foregoing crimes therefore have a demonstrable bearing upon the standards of the profession.

### **CONCLUSIONS OF LAW**

1. In applying to the Board for licensure, Applicant failed to disclose her disciplinary history, making a false and misleading statement. A false or misleading statement on a license application is grounds for license denial pursuant to ORS 692.180(1)(a), OAR 830-050-0050(2) and (9).
2. The disciplinary action against Applicant in 2000 and Applicant's criminal conduct and convictions, all have a demonstrable bearing upon the standards of the preneed profession and are therefore grounds for refusing to issue a Preneed Sales Certificate of Registration to Applicant pursuant to OAR 830-011-0080(2), OAR 830-050-0050(3) and (5), ORS 692.180(1)(i), ORS 670.280(2) and (3), and ORS 97.931(3).

### **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 1st day of February, 2008.

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<S> David Koach

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

Date of Service: February 1, 2008  
CERTIFIED MAIL # 7003 2260 0001 3347 3047

**NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW (COURT OF APPEALS)**

You are entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial Review may be initiated by filing a petition for review with the Oregon Court of Appeals within 60 days from the date this Order was mailed to you.