

**BEFORE THE MORTUARY AND CEMETERY BOARD  
OF THE STATE OF OREGON**

In the Matter of the Preneed Salesperson Registration license of <b>DAVID A. PERLMAN,</b>	Notice of Proposed Disciplinary Action And Opportunity for a Hearing
<b>RESPONDENT</b>	<b>CASE NO. 08-1064B</b>

Pursuant to ORS 692.180 and ORS 97.931, the Oregon Mortuary & Cemetery Board (“OMCB,” “Board”). proposes to take disciplinary action against the preneed salesperson registration certificate of David A. Perlman on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: Reprimand; license revocation; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

**Grounds for Disciplinary Action:**

1. At all times mentioned herein, David A. Perlman (hereafter “Respondent”) was licensed by the Board as a preneed salesperson (OMCB License No. PN-8568); and Respondent was employed by Stonemor Oregon Subsidiary LLC dba Restlawn Funeral Home (OMCB License No. FE-8588).
2. At all times mentioned herein, Restlawn Funeral Home was registered by the State of Oregon Department of Business and Consumer Services as a certified provider to sell trust-funded prearrangements for funeral goods and services (DCBS Certified Provider Registration #CP-0294).
3. On at least four occasions between approximately July 17, 2007 and September 30, 2008, the family of G. Bennett, an 87-year-old disabled person, contacted Stonemor’s

employees, advising them not to contact G. Bennett to discuss or attempt to sell funeral prearrangements. Employees entered notes into G. Bennett's existing prearrangement file prohibiting such contact.

4. On or about October 13, 2008, Respondent failed to inspect the prearrangement files of G. Bennett and called his home to review or discuss making prearrangements for funeral goods and services.

5. The foregoing contact of an elderly and disabled person is failure to respect the dignity and rights of clients in violation of OAR 830-030-0090(1)(h). In addition, the foregoing is abuse of a client through intimidation or harassment in violation of OAR 830-030-0090(2)(a)(B), and failure to abide by the accepted minimum standards of the death care industry in violation of OAR 830-030-0090(1). The foregoing are cause for discipline under ORS 692.180(1)(g).

#### **Rights and Procedures**

**You are entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and ORS 692.265(1). If you want a hearing, you must file a written request for hearing with the State Mortuary & Cemetery Board (the "Board") within 21 days from the date this notice was mailed. If a request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to the Oregon Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, Oregon 97232-2195.**

**If you request a hearing, you will be notified of the time and place of the hearing. You have the right to be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Disciplinary Action. If you do not request a hearing within 21 days, or if you withdraw a hearing request, notify the Board or hearing officer that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default imposing the discipline**

**as determined by the Board. If the Board issues a final order by default, it designates its file on this matter as the record for purposes of establishing a prima facie case.**

DATED this 21st day of July, 2009

**STATE MORTUARY AND CEMETERY BOARD**

\_\_\_\_<s> Lynne Nelson\_\_\_\_\_  
Designee: Lynne Nelson, Compliance Manager