CERTIFIED MAIL: 7003 2260 0001 3347 3375

BEFORE THE MORTUARY AND CEMETERY BOARD

OF THE STATE OF OREGON

In the Matter of the funeral service practitioner and embalmer license of **Robert W. Baker** (OMCB License No. CO-3023), **RESPONDENT**		Notice of Proposed Disciplinary Action (Civil Penalty) And Opportunity for a Hearing **AMENDED** **CASE NO. 06-1010C**

Pursuant to ORS 692.180 the Oregon Mortuary & Cemetery Board (Board) proposes to impose civil penalties against you in the amount of $2,000, because you violated ORS Chapter 692 and the Board rules as noted below." For statutory and rule violations the Board may impose one or more of the following sanctions: License denial, license revocation; civil penalty of up to $1000 for each violation; reprimand; or other sanctions as authorized by law.

1.

1a. At all times mentioned herein, Alternative Burial & Cremation of Oregon, Inc. (Alternative Burial) was licensed as a funeral establishment (OMCB License No. FE-8530).

1b. At all times mentioned herein, Robert Baker (Respondent) was licensed by the Board as a funeral service practitioner and embalmer (OMCB License No. CO-3023); and Respondent was the manager of Alternative Burial; and Respondent was a corporate member/ president of Alternative Burial and Cremation of Oregon, Inc.

1c. At all times mentioned herein, James Riggleman (Riggleman) was licensed as an embalmer (OMCB License No. EM-2195); and Riggleman was an employee of Alternative Burial.

1d. At all relevant times mentioned herein, Riggleman was not a licensed funeral service practitioner or funeral service practitioner apprentice.

Grounds for Disciplinary Action

2.

2a. Respondent placed an advertisement in the "St. Francis Catholic Church Bulletin" in Sherwood Oregon, on September 10, 2006. Respondent's advertisement stated the following:

Funeral Directors
Robert Baker
Jim Riggleman

2b. As of June 14, 2007, Respondent's website for Alternative Burial identifies Bob Baker (Respondent) and Jim Riggleman as "The Directors."

2c. Riggleman has not been a funeral director or funeral service practitioner since November 21, 2005.

2d. Respondent's advertisements therefore conceal or misstate a material fact. This fact is material as it may be relevant to a consumer's decision to engage Alternative Burial's services.

2e. The foregoing advertisements are violations of OAR 830-040-0050(5) and OAR 830-030-0100(9), which are cause for disciplinary action under ORS 692.180(1)(a) and (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 State Office Building, 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 may, but are not required 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 civil penalties 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 14th day of May, 2008

STATE MORTUARY AND CEMETERY BOARD

____<s> Lynne Nelson_____
Designee: Lynne Nelson, Compliance Manager