

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

<p>In the Matter of <b>Dennis Baker,</b></p>  <p><b>APPLICANT</b></p>	<p>Notice of Proposed Denial of Funeral Service Practitioner License And Notice of Proposed Disciplinary Action (Civil Penalty) And Opportunity for a Hearing</p> <p><b>CASE NO. 06-1016D</b></p>
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Pursuant to ORS 692.180 the Oregon Mortuary & Cemetery Board (Board) proposes to deny your application for reciprocal funeral service practitioner license, and proposes to impose civil penalties against you, 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.

**Grounds for Denial of Application and Civil Penalty**

**1.**

**1a.** At all times mentioned herein, Alderwoods (Oregon), Inc. dba Buell Funeral Chapel was licensed as a funeral establishment (OMCB License No. FE-8458).

**1b.** At all times mentioned herein, Dennis Baker (Applicant) was an employee of and worked at and represented Buell Funeral Chapel.

**1c.** At all relevant times mentioned herein, Applicant was not a licensed funeral service practitioner, funeral service practitioner apprentice, embalmer or embalmer apprentice.

**1d.** On March 13, 2006, Applicant submitted an application to the Board for a reciprocal funeral services practitioner license.

**2.**

**2a.** ORS 692.025(1) provides that 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.

**2b.** Further, OAR 830-030-0004(1) provides that 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.

**2c.** From approximately January 1, 2006 through March 28, 2006 Applicant worked directly with families to arrange for the at-need disposition of at least four (4) decedents who died in Oregon. Applicant met with the families of the four decedents, prepared documents and made arrangements for the transportation, care, preparation, processing or handling of the remains before the bodies underwent cremation, entombment or burial. The decedents are identified by the following Oregon State identification numbers, partial names and dates of death (DOD):

- I. # H68622; Anna M.; DOD January 8, 2006
- II. #426965; Margaret O.; DOD February 14, 2006
- II. #H68641; John J.; DOD March 1, 2006
- III. #H68653; Donald D.; DOD March 26, 2006

**2d.** The foregoing four (4) specifications where Applicant performed the duties of a licensed funeral service practitioner or funeral service practitioner apprentice, without a license, are violations of OAR 830-030-0004(1) and ORS 692.025(1) and cause for license denial and civil penalties under ORS 692.180(1)(g).

**3.**

**3a.** OAR 830-030-0004(4)(a) provides that only a licensed embalmer or certificated embalmer apprentice shall provide the necessary handling and preparation of human remains, e.g. washing, disinfecting, setting features, embalming and supervising dressing.

**3b.** On or about January 2 or 3, 2006, Applicant prepared the remains of decedent Doris K., Oregon State ID #426955, by setting features, specifically, (1) placing eye caps and (2) suturing the mouth of the decedent.

**3c.** Applicant performed the duties of a licensed embalmer or licensed embalmer apprentice, in violation of OAR 830-030-0004(1), which is cause for license denial and civil penalty under ORS 692.180(1)(g).

**4.**

Definitions that may be relevant to this notice are contained in: OAR 830-011-0000 and ORS 692.010.

**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 60**

**days from the date this notice was mailed. If a request for hearing is not received within this 60-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to State Office Building, Box 19, 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 60 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 a civil penalty 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 4th day of June, 2007

**STATE MORTUARY AND CEMETERY BOARD**

<s> Lynne Nelson

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Designee: Lynne Nelson, Compliance Manager