

Notice of Proposed Denial of Application

STATE MORTUARY AND CEMETERY BOARD STATE OF OREGON

In the Matter of the Preneed Salesperson Registration Application of PHYLLIS A. HAREM, APPLICANT		Notice of Proposed Denial of an Application And Opportunity for a Hearing CASE NO. 07-1009
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Pursuant to ORS 97.931(3), ORS 692.180(1), (2), and OAR 830-011-0070 the Oregon Mortuary & Cemetery Board proposes to deny your application for a Preneed Salesperson Registration on the grounds noted below.

Grounds for Application Denial:

1. On March 1, 2007, the Oregon Mortuary & Cemetery Board (the "Board") received Applicant's completed Application for a Preneed Salesperson Registration (the "Application"). Applicant was previously licensed by the Board as a Preneed Salesperson in 1994 and 1995.
2. The Application's Personal Information section asks the Applicant, "*Have you ever used or been known by any other names?*" Applicant wrote, "Yes" and listed the surnames of Hushour and Peterson. Applicant has used or been known by the surnames Hunter and Harem-Hunter.
3. The Application's Background Information section, Question #2 asks the Applicant, "*As a licensee (or applicant) have you ever received a reprimand, warning, violation, suspension, fine, cancellation (or denial) by any city county or state licensing agency?*" Applicant wrote, "No."

4. On September 6, 1995, the Board issued a Default Order to Applicant in Case Number 95-1009. Applicant received a Letter of Reprimand and a six-month probationary period for misrepresentation in the conduct of business as a Preneed Salesperson and for fraudulent and dishonest conduct. Applicant failed to provide a promotional discount to a consumer during a period Applicant's company was conducting a discount sale.
5. The Application's Background Information section, Question #3 asks the Applicant, *"Have you ever been arrested, charged, or cited for anything other than traffic violations?"* Applicant wrote, "No." The Application also requires that if the answer to the above is "Yes" the applicant "must provide a detailed, complete and accurate written account(s) of the facts and circumstances of each arrest or cite (include any dismissals).
6. On April 26, 1989, under the name of Phyllis A Hunter, Applicant was arrested in Clackamas County Oregon for Violation of a Restraining Order (Domestic Violence).
7. On October 3, 1994, the Board received Applicant's completed Application for a Preneed Salesperson Registration. On the 1994 application, in which Applicant swore an oath that the information provided was truthful, Applicant provided a Social Security Number (SSN) that begins with the digits "543". In 1995, Applicant submitted the same SSN with the digits "543" to the Board for renewal of her registration. Applicant provides a SSN on the pending Application that begins with the digits "542".
8. Therefore, in her Application to the Board, Applicant misrepresents (1) all names she had ever used or been known by; (2) discipline by a state licensing agency; and (3) her criminal history. In the 1994 and 1995 applications to the Board, Applicant misrepresented her SSN. Denial of the application is appropriate under ORS 97.931(2), ORS 692.180(1)(a), ORS 692.180(1)(g), OAR 830-050-0050(2), and OAR 830-050-0050(5).
9. Preneed salespersons negotiate directly with consumers and may be responsible for financial transactions. Given the foregoing five misrepresentations, and Applicant's

prior disciplinary action for misrepresentation and dishonest or fraudulent conduct in case number 95-1009, denial of the Application is appropriate under ORS 670.280(3) and ORS 97.931(3).

10. Definitions that may be relevant to this notice are listed in ORS 97.020, ORS 692.010 and OAR 830-011-0000.

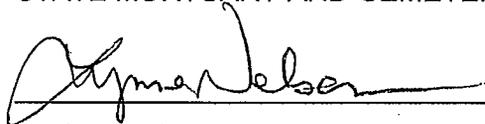
Rights and Procedures

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 Oregon Mortuary & Cemetery Board (the "Board") at 800 NE Oregon Street, Portland, OR 97232, 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.

If you request a hearing, you will be notified of the time and place of the hearing. You may be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Denial of Application. 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 denying your Application. If the Board issues a final order by default, it designates its file on this matter as the record.

DATED this 18th day of April, 2007.

STATE MORTUARY AND CEMETERY BOARD



Designee: Lynne Nelson, Compliance Manager