

CONSENT ORDER

State Mortuary and Cemetery Board State of Oregon

**In the Matter of the Funeral
Establishment License of Servicium
Concinnitas Cura, Inc. dba Attrell's
Sherwood Funeral Chapel,**

Licensee

OMCB CASE NO. 08-1046A

Consent Order

WHEREAS, the Oregon Mortuary and Cemetery Board (hereafter "Board" or "OMCB") is prepared to issue a notice of proposed disciplinary action against Servicium Concinnitas Cura, Inc. dba Attrell's Sherwood Funeral Chapel (OMCB License No. FE-8288, "Licensee") in Case No. 08-1046A on the following bases:

1. On or about May 23, 2008, Craig S. met with Licensee's employee, Larry F. Tennant (OMCB License No. CO-3385, "Tennant") to prearrange his own final disposition arrangements. Craig S. had a terminal illness.
2. At the meeting, Craig provided Tennant with a signed and notarized document titled "Designation of Person Responsible for Final Arrangements," dated May 19, 2008. The document declared that Craig was currently married to Cindy S., but was appointing another person to control final disposition of his remains. The document also stated, "a divorce proceeding will be commenced shortly."
3. During the prearrangement meeting, Craig told Tennant not to put the name of his legal wife in the marital status box on the death certificate.
4. Craig S. died 27 days later, on June 19, 2008.
5. The Department of Health Services Vital Records' "General Information" reference guide for persons completing death certificates states, "If marital status cannot be determined, enter "Unknown"."
6. When there is reasonable doubt as to the status of marriage, it is the accepted minimum standards of practice in the death care profession to attempt to determine marital status for the purposes of filing an accurate death certificate. Tennant did not attempt to determine the status of the marriage.
7. Washington County records confirmed by phone that Craig and Cindy were still married at the time of Craig's death.

8. On or about July 7, 2008, Tennant completed and submitted the Death certificate to Vital Records with "Unknown" in the marital status box.

9. On or about July 31, 2008, Cindy S. attempted to obtain a copy of the death certificate from Washington County Records in Hillsboro, but because Tennant had filed the death certificate with the marital status as "Unknown," she could not legally obtain one. Washington County advised Cindy to request Licensee file an affidavit to amend to the Certificate.

10. When Cindy contacted Licensee funeral establishment, an employee told her that Tennant could have the death certificate amended. However, Tennant advised Cindy that the decedent had instructed Tennant not to place Cindy's name on the death certificate and he could not amend it.

11. It is common practice for funeral establishments to file affidavits to amend death certificates. Advising someone they could not do so when it was possible is misrepresentation in the conduct of business or failing to abide by the accepted minimum standards of practice of the death care industry. The foregoing is cause for discipline under ORS 692.180(1)(a) or OAR 830-030-0090(1) and ORS 692.180(1)(g).

The Board and Licensee are desirous of resolving and settling the matters regarding Case No. 08-1046 without further proceedings thereon. This Consent Order constitutes the entire agreement of the parties and is a final order of the Board.

Licensee is aware of the right to a hearing with the assistance of counsel and the right to judicial review, and hereby freely and voluntarily waives those rights. Licensee hereby acknowledges that Licensee has read, understands, and agrees to the terms of this Consent Order.

The Licensee agrees that the Board may enter the following order:

NOW THEREFORE IT IS HEREBY ORDERED:

1. Licensee is hereby Reprimanded for violation of ORS 692.180(1)(a) or OAR 830-030-0090(1).
2. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this 19th day of March, 2009.

MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON

By: ___<s> Michelle Gaines_____

Michelle Gaines, Executive Director

It is so Agreed.

____3-16-09_____

Date

____<s> Leonard Attrell_____

Leonard Attrell, Licensee Representative