

Notice of Proposed Denial of Application

STATE MORTUARY AND CEMETERY BOARD

STATE OF OREGON

<p>In the Matter of the Preneed Salesperson Registration Certificate Application of MICHAEL A. ANDERSON, APPLICANT</p>	<p>Notice of Proposed Denial of Application And Opportunity for a Hearing CASE NO. 08-1051</p>
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Pursuant to ORS 692.180 and ORS 97.931 the Oregon Mortuary & Cemetery Board proposes to deny your application for a Preneed Salesperson Registration Certificate on the grounds noted below.

Grounds for Application Denial:

1.

On July 25, 2008, the Oregon Mortuary & Cemetery Board (the "Board") received Micheal A. Anderson's (hereafter "Applicant") completed Application for Preneed Salesperson Registration Certificate (hereafter the "Application"). In the Application, Applicant certified that he understood that any misrepresentation or omission of fact on his application or supplementary background materials shall be cause for refusal to issue an Oregon License or Certificate.

2.

2a. In the Application, Background Information Question #3 asks the Applicant: "Have you ever been arrested, charged, or cited for anything other than traffic violations?" Applicant wrote, "Yes."

2b. The background form also requires that if the answer to the foregoing question 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).

2c. Applicant disclosed one arrest on his Application: A July 24, 2005 arrest in Cowlitz County, Washington for Assault 4th Degree. Applicant provided a written statement pertaining to the arrest. Applicant described a confrontation with three persons outside of his place of employment. His stated that they had waited for him to leave his work and jumped him, and that due to his military training, they sustained injuries. Because of the nature of the injuries, he was arrested for assault.

2d. However, Applicant did not disclose the following misdemeanor arrests in Cowlitz County, Washington: A July 24, 2005 arrest for Domestic Violence Assault 4th Degree, and a December 30, 2005 arrest for violating a No Contact Order (DV) and Stalking.

2e. The foregoing failure to disclose, or to completely and accurately describe, the July 24, 2005 arrest for Domestic Violence Assault 4th Degree, and the failure to disclose the December 30, 2005 arrest for violating a No Contact Order (DV) and for Stalking, are misrepresentations on an Application.

3.

3a. In the Application, Background Information Question #4 asks the Applicant, "Have you ever been convicted of, or are you currently charged with, committing a crime whether or not adjudication was withheld?" Applicant wrote, "No."

3b. Applicant was convicted of the following misdemeanor crimes in Cowlitz County District Court, Washington:

i. On April 11, 2006, in Court Case #COO114592, Applicant was convicted of Domestic Violence Assault 4th Degree for a July 25, 2005 incident with a female victim. Applicant received a sentence of 365 days jail time with 355 days suspended, a \$5000.00 fine with \$4550.00 suspended, and Applicant received 24 months probation.

ii. On March 16, 2006, in Court Cite #66786, Applicant pled guilty and was convicted of one count of Violation of No Contact Order for which he received a sentence of 365 days jail time with 360 days suspended, a \$5000.00 fine with \$5000.00 suspended, and Applicant received 18 months probation.

iii. Also on March 16, 2006, in Court Cite #66786, Applicant pled guilty and was convicted of another count of Violation of No Contact Order for which he received a sentence of 365 days jail time with 365 days suspended, a \$5000.00 fine with \$4500.00 suspended.

4.

The foregoing misrepresentations and false and misleading statements, pertaining to Applicant's arrests and convictions on an Application, are cause for refusal to grant a license under ORS 692.180(1)(a), ORS 692.180(1)(g), OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B), OAR 830-050-0050(2) and ORS 97.931(2) and (3).

5.

Definitions that may be relevant to this notice may be found in ORS 692.010, OAR 830-011-0000 and ORS 97.010.

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 Oregon Mortuary & Cemetery Board (the "Board") at 800 NE Oregon Street, Suite 430, 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. 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 30th day of October, 2008

STATE MORTUARY AND CEMETERY BOARD

By: ___<s> Lynne Nelson_____
Designee: Lynne Nelson, Compliance Manager