

CONSENT ORDER

**State Mortuary and Cemetery Board
State of Oregon**

In the Matter of the Prened Salesperson Registration Application of Anthony S. Hodgson, Applicant	Case No. 08-1056 Consent Order
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WHEREAS, the Oregon State Mortuary and Cemetery Board (Board) is prepared to issue a Notice of Proposed Denial of Prened Salesperson Registration against the Applicant in Case No. 08-1056 upon the following bases:

1. Applicant was convicted of a crime that bears a demonstrable relationship to funeral service practice or the operation of cemeteries, or has a demonstrable bearing upon the standards of the profession. Specifically, on July 25, 2004, Applicant was convicted of Theft 1st Degree, a class C felony, for wrongly accepting approximately \$6,000.00 from the State of Oregon Employment Division. The foregoing is grounds for refusal to grant a Prened Salesperson Registration pursuant to OAR 830-050-0050(3), ORS 692.180(1)(i) and ORS 670.280(3).

2. Applicant misrepresented his application when he failed to inform the Board of the class C felony conviction, and failed to answer truthfully and completely when providing the facts and circumstances of the crime to the Board. The foregoing misrepresentations are grounds for denial of a Prened Salesperson Registration pursuant to OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B), and OAR 830-050-0050(2), ORS 692.180(1)(a) and (g) and ORS 97.931(3)

WHEREAS, the Board and the Applicant are desirous of resolving and settling those matters regarding Case No. 08-1056 without further proceedings thereon; and

WHEREAS, the Applicant is aware of his right to a contested case hearing with the assistance of counsel and the right to judicial review of the Board's decision in Case No. 08-1056 and hereby freely and voluntarily waives those rights; and

WHEREAS, by agreeing to the entry of this Consent Order the Applicant admits to the bases for refusal to grant him a Preneed Salesperson Registration:

WHEREAS, the Applicant consents to the entry of this Board order.

NOW THEREFORE IT IS HEREBY ORDERED:

1. Upon the effective date of this Consent Order, the Applicant's Preneed Salesperson Registration license shall be issued subject to the terms of probation contained in this Consent Order.

2. Upon the effective date of this Consent Order, the Applicant is placed on probation for one year, subject to the following conditions:

- a. The Applicant shall comply with all laws and rules applicable to the death care industry and preneed sales.
- b. Within ten calendar days after he has completed six months on probation, the Applicant shall provide the Board with a copy of all preneed and at need sales contracts conducted or assisted by Applicant. The record to the Board shall show at a minimum: The name, address and phone number of the purchaser, the date and time of arrangement, and goods and services purchased.
- c. Within ten calendar days after he has completed one year on probation, the Applicant shall provide the Board with a copy of all additional preneed and at need sales contracts conducted or assisted by Applicant. The record to the Board shall show at a minimum: The name, address and phone number of the purchaser, the date and time of arrangement, and goods and services purchased.

3. If at any time during the prescribed probationary period Applicant violates any provisions of this Order, the Board may, after Notice and Hearing, initiate further disciplinary action to include, but not be limited to, license revocation.

4. The Board shall determine satisfactory completion of the Applicant's probation based upon the pre-arrangement and at need files, criminal background checks and any other information in the Board's possession.

5. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this 11th day of December, 2008.

MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON

By: <s> Michelle Gaines
Michelle Gaines, Executive Director

CONSENT

I hereby acknowledge that I have read and understand the terms of the Consent Order. I agree to the Board entering the Consent Order.

12/8/08
Date

<s> Anthony Hodgson
Applicant, Anthony S. Hodgson