

**Notice of Proposed Denial of Application**  
**STATE MORTUARY AND CEMETERY BOARD**  
**STATE OF OREGON**

<p>In the Matter of the Funeral Service Practitioner Application of <b>MARK L. TISHMAN,</b></p> <p style="text-align: center;"><b>APPLICANT</b></p>	<p>Notice of Proposed Denial of Application And Opportunity for a Hearing</p> <p><b>CASE NO. 10-1011</b></p>
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Pursuant to ORS 692.180 the Oregon Mortuary & Cemetery Board (“Board”) proposes to deny your application for a funeral service practitioner license on the grounds noted below.

**Grounds for Application Denial:**

**1.**

**1a.** On February 24, 2010, the Board received from Mark Tishman (hereafter “Applicant”) a completed application for Funeral Service Practitioner License (hereafter “Application”) pursuant to ORS 692.025, ORS 692.045, 692.190, ORS 692.320 and 830-011-0020(11, 13).

**2.**

**2a.** In the Application, Applicant disclosed two disciplinary actions he received from two state agencies in Florida while licensed as a funeral director and embalmer (License # FE-0003136) or when a corporate shareholder, vice-president and manager of a funeral establishment: Independent Mortuary Services Inc. dba Tishman Funeral Home (FH 0001947). The two disciplinary actions are described as follows:

**I.** The Florida Department of Banking and Finance, Board of Funeral and Cemetery Services (BFCS) regulate preneed sales in the state of Florida. In 1999 The BFCS alleged Applicant failed to produce preneed funeral contract business records when requested and Applicant failed to pay the required records examination fee pursuant to Florida Statute Chapter 497.431. On or about May 26, 1999, the BFCS issued a Final Order against Applicant. The Order concluded that Applicant, his business partner and their

funeral establishment, individually and collectively, attempted to interfere with the examination of their business records and obfuscate the facts, violating 1993 Florida Statutes 497.433(1)(i) and (m). The Order imposed the following sanctions: Revocation of the funeral home's Certificate of Authority to sell pre-need, imposition of the costs of the records examination in the amount of \$4,125, and the imposition of an administrative civil penalty of \$10,000. The penalties were to be paid within thirty days, but were not paid.

II. On July 23, 2001, the State of Florida Department of Business and Professional Regulation, Division of Funeral Directors and Embalmers (DFDE), in Case No. 99-08090, revoked Applicant's funeral director and embalmer license for having been disciplined by the Board of Funeral and Cemetery Services, and for advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content which were violations of Florida Statutes 470.036(1)(f) and (x) and cause for revocation under Florida Statute 20.165.

**3.**

**3a.** Prior disciplinary action, where the conduct upon which the disciplinary action was based bears a demonstrable relationship to death care industry practices or operations, is grounds for refusal to grant a Funeral Service Practitioner license under OAR 830-050-0050(5) and ORS 692.180(1)(g).

**3b.** The Board, therefore, proposes to deny Applicant's Application for funeral service practitioner license.

**4.**

Definitions that may be relevant to this notice are listed in 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 State Mortuary & Cemetery Board (the "Board") within 60 days from the date this notice was mailed. If a request for hearing is not received by the Board within this 60-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to the Oregon Mortuary and Cemetery Board, 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 be represented by an attorney at the hearing. Parties are ordinarily and customarily represented by counsel. You are not required to be represented by counsel, unless you are an agency, trust, corporation or association. 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 the discipline 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 \_\_23rd\_\_ day of April, 2010

STATE MORTUARY AND CEMETERY BOARD

\_\_\_\_<s> Lynne Nelson\_\_\_\_\_  
Designee: Lynne Nelson, Compliance Manager