BEFORE THE MORTUARY AND CEMETERY BOARD

OF THE STATE OF OREGON

In the Matters of JEROME COX-TANNER, dba COX & COX FUNERAL CHAPEL, funeral establishment license FE-8582, and funeral service practitioner license FS-0382; SCHAWNA TANNER; COX & COX FUNERAL CHAPEL, INC., **RESPONDENTS.**	**SETTLEMENT AGREEMENT AND CONSENT ORDER** **CASE NO. 10-1023;** **CASE NOs. 07-1048A, B & C;** **CASE NOs. 08-1073A, B & C;** **CASE NOs. 08-1075A, B & C; and** **CASE NO. 10-1031**

On January 11, 2010, the Oregon Mortuary and Cemetery Board (Board) issued a Notice of Proposed License Revocations and Civil Penalties in Case Nos. 07-1048A & B, 08-1073A & B and 08-1075A & B to Respondent Jerome Cox-Tanner and issued a Notice of Proposed Civil Penalties in Case Nos. 07-1048C, 08-1073C, and 08-1075C to Respondent Schawna Tanner. On April 6, 2010, the Board issued a Notice of Proposed Denial of Application in Case No. 10-1023 to Respondent Jerome Cox-Tanner. Both Respondents timely requested an administrative hearing on these three Notices and the cases were consolidated for hearing. These three Notices were last amended on August 23, 2010. The Notices, as amended on August 23, 2010, are attached to this Settlement Agreement and Consent Order and are incorporated by reference.

On July 16, 2010, the Board issued a Notice of Proposed Denial of Application in Case No. 10-1031 to Respondent Cox & Cox Funeral Home Inc. The time in which Respondent may request a hearing has not run.

The Parties wish to settle these matters without any hearing or judicial review by entering this Settlement Agreement and Consent Order, pursuant to ORS 183.417(3).

SETTLEMENT AGREEMENT

The Board and Respondents agree to resolve these matters informally on the following terms:

1. Respondents stipulate that they engaged in the conduct described in the attached Notices and to the following:

   a. Respondent Jerome Cox-Tanner violated OAR 830-030-0000(7) in 42 instances for failure to pay death certificate filing fees. Respondent Jerome Cox-Tanner violated ORS 97.931, ORS 97.941 and OAR 441-931-0310(6) for failure to deposit funds in trust and allowing a pre-arrangement sale by an unlicensed person.

b. Respondent Schawna Tanner violated ORS 692.025 and OAR 830-030-0004 in thirteen instances by engaging in the unlicensed practice of a funeral service practitioner. Respondent Jerome Cox-Tanner further violated OAR 830-050-0000(2) and (8) and OAR 830-030-0090(1)(e) by allowing the unlicensed practice.

c. The Board has grounds for denying Respondent Jerome Cox-Tanner's Application for change of location under ORS 692.025(4), OAR 830-040-0000(4), (5), and OAR 830-040-0070 as well as the violations listed above.

d. The Board has grounds for denying Respondent Cox & Cox Funeral Chapel Inc.'s Application for change of ownership under ORS 692.025(4), (8); ORS 146(1), (3); ORS 692.148(1), (2); OAR 830-011-0050(2) and OAR 830-040-0040 as well as the violations listed above.

2. Respondents agree the Board may enter the Order set forth below.

3. Respondents enter into this Settlement Agreement and Consent Order voluntarily and without any force or duress. Respondents acknowledge that no promises or representation not stated herein have been made to induce Licensee to sign this Settlement Agreement.

4. Respondents are aware of the right to a hearing under ORS chapter 183, and fully and finally waive all right to hearing and any right to appeal or otherwise contest this Settlement Agreement and Final Order.

5. The parties agree this Settlement Agreement and Consent Order takes effect on the date it is signed by the Executive Director of the Board.

ORDER

The Board enters the following final order:

1. The license of funeral establishment Jerome Cox-Tanner dba Cox & Cox Funeral Chapel, OMCB License No. FE-8582, is hereby revoked.

2. Respondent Jerome Cox-Tanner's application for a change of location of the funeral establishment FE-8582 is hereby denied.

3. Respondent Cox & Cox Funeral Chapel, Inc.'s application for a change of ownership of the funeral establishment FE-8582 is hereby denied.

4. Respondent Jerome Cox-Tanner retains a valid funeral service practitioner license, FS-0382.

5. Respondent Jerome Cox-Tanner may not serve as the assigned manager of a funeral establishment licensed in Oregon.

6. Respondents Jerome Cox-Tanner and Schawna Tanner may not submit any application for licensure to the Board, nor shall they act as a principal for any facility licensed by the Board, for a period of ten years from the effective date of this Order.

7. Respondents Jerome Cox-Tanner and Schawna Tanner shall pay civil penalties of $20,000 within three (3) years of the date of this Order. Respondents are jointly and severally liable for payment of the civil penalties. Arrangements for payment of the civil penalties may be made with the Board's staff.

8. Respondent Jerome Cox-Tanner shall, within six months of the effective date of this Order, pay the outstanding balance owed to the Department of Human Resources for death certificate filing fees that Cox & Cox Funeral Chapel owes the Department.

9. Respondent Jerome Cox-Tanner shall, within 21 days of the effective date of this Order, transfer all of Cox & Cox Funeral Chapel's permanent records, including at-need arrangement records and all prearrangement records, to a funeral establishment in Oregon that is licensed by the Board, is registered as a Certified Provider with the Oregon Department of Consumer & Business Services, and agrees to accept the records. Respondent Jerome Cox-Tanner is liable for costs to a consumer that may be associated with any prearrangement records of Cox & Cox Funeral Chapel that are not transferred to another funeral establishment.

10. With respect to any pre-arrangement records transferred under paragraph 9 of this Order, Respondent Jerome Cox-Tanner shall send a letter by certified mail, return receipt requested, to the consumer informing them that their records have been transferred to another funeral establishment, but that the consumer is free to choose another funeral establishment. Respondent Jerome Cox-Tanner shall provide the contact information of the funeral establishment accepting the record to the consumer. In addition, Respondent Jerome Cox-Tanner shall provide a copy of each letter mailed and a copy of each return receipt under this paragraph to the Board.

11. Respondent Jerome Cox-Tanner (OMCB License No. FS-0382) is placed on probation for twenty-four (24) months, starting with the effective date of this Order, subject to the following conditions:

a. Jerome Cox-Tanner may not engage in making or assisting with any pre-arrangement contracts for final disposition. Jerome Cox-Tanner may engage in making or assisting with insurance-funded or at-need final disposition arrangements;

b. Jerome Cox-Tanner shall notify the Board, in writing, of the name of each funeral establishment for whom he makes or assists with any final disposition arrangements. The written notice shall be received by the Board within five days of the first time Respondent makes or assists with final disposition arrangements for any establishment after the effective date of this Order;

c. Jerome Cox-Tanner shall provide a complete copy of this Settlement Agreement and Consent Order to any funeral establishment for whom he makes or assists with final disposition arrangements; and

d. At the end of each three-month quarterly period during his probation, Jerome Cox-Tanner shall provide the Board with a copy of the entire permanent record for each final disposition arrangement he has made or assisted with during that quarter. The permanent record shall include, but not be limited to, a copy of the authorization for final disposition, cremation authorization, embalming authorization, statement of

funeral goods and services selected (contract), memorial program or folder and obituary worksheets if applicable, receipts for monies accepted and worksheet used to obtain statistical information for the certificate of death. Such records shall be provided within 14 calendar days of the end of the quarter. The first day of the first quarter shall begin on the effective date of this Order.

12. Respondent Jerome Cox-Tanner shall comply with all laws and rules applicable to the death care industry. If Respondent violates any provision of this Order, or any provision of ORS chapter 692 or OAR Chapter 830, the Board may revoke his license and impose any additional discipline the Board finds appropriate.

It is so ORDERED this __21st____ day of ___September_____, 2010.

OREGON STATE MORTUARY AND CEMETERY BOARD

By: <s> Michelle Gaines
Michelle Gaines
Executive Director

It is so agreed.

9-10-10 <s> Jerome Cox-Tanner
Date Jerome Cox-Tanner, Licensee

9-10-10 <s> Jerome Cox-Tanner
Date Jerome Cox-Tanner, President, Cox & Cox Funeral Chapel, Inc.

9-10-10 <s> Schawna Tanner
Date Schawna Tanner