

**Notice of Proposed Denial of Application**

**STATE MORTUARY AND CEMETERY BOARD  
STATE OF OREGON**

<p>In the Matter of the Embalmer Apprenticeship Certificate Application and Funeral Service Practitioner Apprenticeship Application of <b>Mark Mills</b></p> <p><b>APPLICANT</b></p>	<p>Notice of Proposed Denial of an Application And Opportunity for a Hearing</p> <p><b>CASE NO. 10-1028</b></p>
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Pursuant to ORS 692.180(1) and ORS 670.280(3) the Oregon Mortuary & Cemetery Board proposes to deny your application for Embalmer Apprenticeship Certificate and Funeral Service Practitioner Apprenticeship Certificate on the grounds noted below.

**Grounds for Application Denial:**

1. On April 5, 2010, the Oregon Mortuary & Cemetery Board (“Board”) received an application for Embalmer Apprenticeship Certificate and Funeral Service Practitioner Apprenticeship Certificate (“Application”) from Mark Mills (“Applicant”).
2. Application and a background investigation for embalmers and funeral service practitioners are required pursuant to OAR 830-011-0050(1) and ORS 692.180(1).
3.
  - 3a. The Application’s second page asks Applicant, “Have you ever been arrested...” and “Have you ever been convicted...” Applicant answered “Yes.”
  - 3b. Applicant was convicted of Sex Abuse 2 on February 14, 1991 in the Marion County Circuit Court in Oregon. Applicant is also a registered sex offender because of this conviction.

**3c.** Applicant's conviction of a crime having a demonstrable bearing upon the standards of the funeral service and embalming profession is cause for denial of the Application pursuant to 830-050-0050(3), ORS 692.180(1)(g), ORS 692.180(1)(i) and ORS 670.280(3).

**4.**

For the foregoing reasons, and pursuant to ORS 692.180(1)(g), ORS 692.180(1)(i) and ORS 670.280(3), the Board, proposes to deny Applicant's Application for Embalmer Apprenticeship Certificate and Funeral Service Practitioner Apprenticeship Certificate

**5.**

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**

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**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 9<sup>th</sup> day of December, 2010

STATE MORTUARY AND CEMETERY BOARD

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