

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

<p>In the Matter of the cemetery authority, funeral service practitioner and embalmer licenses of:</p> <p><b>Michael D. Terwilliger,</b></p> <p style="text-align:center"><b>Licensee.</b></p>	<p style="text-align:center"><b>Settlement Agreement and Consent Order</b></p> <p style="text-align:center"><b>Agency Case Nos. 11-1016C/D and Agency Case Nos. 11-1059A/B</b></p>
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The Oregon Mortuary and Cemetery Board (Board) initiated two investigations into the activity of licensee Michael D. Terwilliger, (OMCB License No. CO-3650) who is the holder of the cemetery authority certificate for Twin Oaks Memorial Gardens and Mausoleum (OMCB License No. CE-0713) after the Board received written complaints.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action. Licensee would be provided the opportunity to request a hearing on such a Notice. In lieu thereof, the parties wish to resolve this matter informally, by entering into this Settlement Agreement and Consent Order ("Order"), on the terms set forth below, pursuant to ORS 183.417(3).

**SETTLEMENT AGREEMENT**

The Board and Licensee stipulate to the following:

1. On May 21, 2010 the Board entered a Combined Consent Order imposing a Reprimand on Licensee in Agency Case Nos. 08-1061A and B, and 08-1062A and B with Licensee for failing to order and install grave markers as agreed with consumers in violation of Board rules.
2. On November 4, 2009 Licensee inurned the cremated remains of a male decedent in niche #F-5 at Twin Oaks Memorial Gardens and Mausoleum. Licensee failed to record the inurnment in the cemetery's plot book. Sometime after that date, Licensee also inurned the cremated remains of the spouse of the male decedent in niche #F-5 and did not record the inurnment in the cemetery's plot book. Further, the cemetery's permanent records for the female decedent are missing the date of inurnment.

3. On June 1, 2011 a female consumer purchased a bronze name bar for a crypt at Twin Oaks Memorial Gardens and Mausoleum containing the remains of her parents. Licensee's permanent records do not contain a copy of the name bar order form that was sent to the manufacturer nor a copy of the purchase contract for the name bar. Licensee told the consumer the name bar would be installed in 4-6 weeks, but after five months it was not installed.
4. Licensee stipulates that he failed to maintain accurate and complete record-keeping in three instances as described in paragraph two and three above in violation of former OAR 830-040-0000(6) (2009).
5. Licensee stipulates that, as described in paragraph three above, he failed to maintain accurate and complete record keeping in two instances in violation of former OAR 830-040-0000(6) (2010) and failed to follow through with agreed-upon arrangements in violation of former OAR 830-030-0090 (2010).
6. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Order.
7. This Order does not limit the Board from taking additional actions to enforce other violations of ORS chapters 97 or 692, or any administrative rule adopted by the Board committed prior to or following the effective date of this Order.
8. Licensee acknowledges that he has read, understands, and agrees to the terms of this Order. Licensee enters into this Order without any force or duress. Licensee acknowledges that no promises or representations not stated herein have been made to induce him to sign this Order.
9. Licensee agrees the Board may issue the Order set forth below.
10. This Order is a public document.
11. This Order shall be effective when signed by the Executive Director of the Board.

The Board enters the following final **ORDER**:

1. Licensee is hereby reprimanded.
2. Licensee is assessed \$2,000 in civil penalties
3. The assessment of \$1,800 in civil penalties may be waived under the following terms and conditions:
  - a. Licensee shall pay \$200 in civil penalties to the Board on or before the 10th day following the effective date of this Order;
  - b. Payment of the balance of the penalties, \$1,800, shall be suspended and no further penalties shall be imposed for the violations stipulated to above unless Licensee fails to comply with all of the terms of this stipulation,

ORS chapters 97 and 692 and all of the rules adopted by the Board for eighteen months following the date of the Commission's entry of a final order; and

- c. If the Board finds that the Respondent has violated any of the terms or conditions stated herein during the eighteen month period from the effective date of this Order, the Board may impose the \$1,800 of stayed civil penalties.

DATED this 21st day of August, 2012.

MORTUARY AND CEMETERY BOARD  
OF THE STATE OF OREGON

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

**It is so Stipulated.**

August 20, 2012  
Date

<s> Michael D. Terwilliger  
Michael D. Terwilliger  
Licensee