

Final Order by Default

State Mortuary and Cemetery Board State of Oregon

**In the Matter of the Preneed
Salesperson Registration Certificate
Application of:**

AUDRA HAMMONDS,

Applicant

Case No.: 12-1003

FINAL ORDER

On May 22, 2012, the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Denial of an Application and Opportunity for Hearing (Notice) on Audra Hammonds (Applicant) that it intended to deny her application for a Preneed Salesperson Registration Certificate for violations of ORS 692.180(1)(a), (b) and (g), ORS 97.931 and ORS 670.280(3).

The Notice offered Applicant an opportunity for a hearing if requested within 60 days from the date the Notice was mailed. Applicant did not request a hearing within this 60-day period or otherwise. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Final Order by Default:

FINDINGS OF FACT

1. Applicants for Preneed Salesperson registration must apply on a form provided by the Board and consent to a background check. OAR 830-011-0070; ORS 97.931.
2. Applicants are informed by means of written notice on the application, that any misrepresentation or omission is cause for refusal to issue a certificate.
3. On October 25, 2011, Audra Hammonds (Applicant) had submitted an application for a Preneed Salesperson Registration Certificate (hereafter "2011 Application"). In the 2011 Application, Applicant failed to disclose a 2000 charge for felony assault, a 2001 conviction of disorderly conduct resulting in a one-year probationary period and fine, and a 2006 arrest on an outstanding arrest warrant for failure to pay a traffic citation issued for failure to possess an operator's license. On May 22, 2012 the Board issued to Applicant a Final Order by Default denying the 2011 Application for failing to disclose her criminal history in her 2011 Application in violation of ORS 692.180(1)(a) and (b). (OMCB Case No. 11-1058)
4. On January 10, 2012 Applicant submitted another application to the Board for Preneed Salesperson Registration Certificate (hereafter "2012 Application"). In this 2012 Application, Applicant fully disclosed her criminal history as described above in Section 3. In addition,

Applicant disclosed that in 2006 she had applied for, and been denied, a State of Oregon Home Health Care Provider license because she had failed to disclose her criminal history on that application.

5. Applicant failed to disclose the 2006 denial of the State of Oregon for a Health Care Provider application in her 2011 Application to the Board.

CONCLUSIONS OF LAW

6. Failing to disclose criminal history and denial of a license on a Board application are misrepresentation and dishonest conduct which is grounds for license denial under ORS 692.180(1)(a) and ORS 692.180(1)(b).

7. Disciplinary actions by a state agency where the conduct upon which the disciplinary action was based bears a demonstrable relationship to death care industry practices or operations, and where the conduct is substantially related to the fitness and ability of the Applicant to engage in the activity for which the license is required is cause for denial of a preneed salesperson registration certificate under OAR 830-050-0050(3), ORS 692.180(1)(g) and ORS 670.280(3).

ORDER

1. Applicant's 2012 Application for Preneed Salesperson Registration Certificate is hereby denied.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

DATED and ENTERED this __11th__ day of December, 2012.

__<s> Michelle Gaines_____
Michelle Gaines, Executive Director
Oregon Mortuary & Cemetery Board

Date of Service: __12/11/2012_____

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of service of this order.