

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

In the Matter of

WADE WILLIAM LIND,

RESPONDENT

FINAL ORDER on DEFAULT
(Civil Penalties)

CASE NO. 14-1033

On December 4, 2014, the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Disciplinary Action and Opportunity for a Hearing (Notice) in OMCB Case No. 14-1033 to Wade William Lind (Respondent) that proposed to take disciplinary action in the form of civil penalties. The Notice is attached to this Final Order and is incorporated by reference.

The Notice offered Respondent an opportunity for a hearing if a written request for a hearing was received by the Board within 21 days from the date the Notice was mailed. The Board mailed the Notice to the residential address Lind provided to the Board and it was returned unclaimed. The Board did not receive a written request for a hearing.

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

FINDINGS OF FACT

1. On or about May 12, 2009, Respondent signed a Statement of Funeral Goods and Services Selected (SFGSS) for interment rights to a lot at the Garden of Good Shepherd cemetery. The SFGSS showed that payment for the interment rights was paid in full at the time.
2. At an unspecified later date, Respondent sold the same lot to another party, placed a double marker on it, and interred the new owner's husband in the adjacent plot.

ULTIMATE FINDINGS

3. Respondent's sale of a cemetery plot already owned by another person is a failure to implement and follow through with contractual arrangements in violation of OAR 830-030-0090(1)(b).
4. Respondent's sale of a cemetery plot already owned by another person is a failure to keep accurate records in violation of OAR 830-040-0000(7).
5. Respondent's sale of a cemetery plot already owned by another person is a misrepresentation in the conduct of doing business by concealing or misstating a material fact in violation of OAR 830-030-0100.

CONCLUSIONS OF LAW

6. Respondent's conduct, as described above in Sections 1 and 2, violated OAR 830-030-0090(1)(b), OAR 830-040-0000(7), and OAR 830-030-0100.
7. Violations of the Board's rules is cause for disciplinary action under ORS 692.180(1)(g).
8. For the above actions and pursuant to ORS 692.180(1)(a) and (g), a civil penalty of \$1,000 per violation for a total of \$3,000 is appropriate.

ORDER

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

1. Civil penalties of \$3,000 are due within ten days of this Order and payable by Respondent to the Board.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

Dated this 20 day of February, 2015

/s/ Michelle Sigmund-Gaines
Michelle Sigmund-Gaines, Executive Director
Oregon Mortuary & Cemetery Board

Date of Mailing: February 20, 2015

NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW (COURT OF APPEALS)

You are entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial Review may be initiated by filing a petition for review with the Oregon Court of Appeals within 60 days from the date this Order was mailed to you.