

THE STATE OF OREGON MORTUARY AND CEMETERY BOARD

<p>In the Matter of the application for cemetery authority license of</p> <p>MICHAEL DALE TERWILLIGER, Owner, TWIN OAKS MEMORIAL GARDENS & MAUSOLEUM</p> <p style="text-align: center;">LICENSEE</p>	<p style="text-align: center;">REVISED CONSENT ORDER</p> <p style="text-align: center;">CASE NO. 14-1065</p>
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The Oregon Mortuary and Cemetery Board (Board) received an application to operate a cemetery from Mike Terwilliger, owner of Twin Oaks Memorial Gardens & Mausoleum (Terwilliger).

The Board finds it has grounds to issue a Notice of Denial and Opportunity for Hearing, upon which Twin Oaks would be provided with the opportunity to request a hearing. In lieu thereof, the parties wish to resolve this matter informally by entering into this Consent Order on the terms set forth below, pursuant to ORS 183.417(3).

The Board and Terwilliger agree to the following:

1. The Board revoked prior cemetery authority license number CE-0713 for Twin Oaks in November of 2013 for violations of the statutes and rules regulated by the Board.
2. The Board revoked the personal license number CO-3650 for Mr. Terwilliger in September 2014 for violations of the statutes and rules regulation by the Board.
3. Prior Disciplinary Action is grounds for denial of application under ORS 692.180.
4. A stipulated agreement between the Board and Terwilliger is an authorized and prudent way to ensure continued public access to and operation of Twin Oaks. To this end, the Board grants conditional approval of the application for cemetery authority license for Twin Oaks Memorial Gardens & Mausoleum contingent on the following:
 - a. Mr. Terwilliger will not participate in the day-to-day operations of Twin Oaks. Terwilliger may not perform duties involved in sales of cemetery goods or services, preparing or completing sales contracts, authorizations or other documents, meeting with families or other members of the public. Terwilliger may perform other duties such as general grounds keeping, general maintenance of the property, general office work. In all activities Terwilliger will not hold himself out as an agent of the cemetery. He may answer basic questions such as the location of a specific grave, but may not provide or discuss preneed or at need arrangements with families. These must be referred to Mr. Kohler or subsequent manager approved by Board.
 - b. Dan Kohler is assigned as manager and is assuming responsibility for all day-today operations at Twin Oaks,
 - c. Any change in manager must be pre-approved by the Board.
5. Twin Oaks will submit a monthly report to the Board consisting of a list of the pre-need and at need arrangements performed in that month, along with copies of all relevant documents. The

report is due by the 15th of the month for the month prior (eg October report is due November 15th). The first report for November, to include October 22-31) is due December 15th ..

6. Violations of any of the terms of this Consent Order may render the license null and void and may be cause for further disciplinary action under ORS 692.180(1)(g).
7. Mr. Terwilliger acknowledges that he has read, understands, and agrees to the terms of this Consent Order. Mr. Terwilliger agrees to issuance of the Order voluntarily and without any force or duress. Mr. Terwilliger states that the Board and Board staff have not made promises or representations not stated herein to induce Mr. Terwilliger to sign this document and agree to issuance of the Order.
8. Mr. Terwilliger understands that he has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and hereby fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Consent Order.
9. Mr. Terwilliger agrees the Board may issue the Order set forth below.
10. This Consent Order is a public document.
11. This Consent Order supersedes the prior Consent Order issued October 21st, 2014.
12. This Consent Order shall be effective when signed by the Executive Director of the Board.

ORDER

The Board issues the following final order:

Twin Oaks Memorial Gardens & Mausoleum (Twin Oaks) is issued a conditional cemetery authority license to operate number CE-0940, effective October 21, 2014.

It is so agreed.

December 26 2014
Date

<signed>_____
Michael Dale Terwilliger,

Owner

DATED this 30 day of December 2014.

OREGON MORTUARY AND CEMETERY BOARD

By:_____
<signed>_____
Michelle Gaines
Executive Director