Change of Ownership Fee: $270.00 (includes first principal)
Additional Principal: $90.00 (each)

MCB
OREGON MORTUARY & CEMETERY BOARD
Regulating Death Care Facilities & Practitioners in Oregon.

800 NE Oregon Street, Suite 430
Portland OR 97232-2195
www.oregon.gov/omcb
mortuary.board@omcb.oregon.gov
phone: 971-673-1507
fax: 971-673-1501

CHANGE OF OWNERSHIP FOR OREGON LICENSE TO OPERATE

CURRENT LICENSE INFORMATION:

Current Facility Name: _____
name of facility as registered with OMCB

Current License Number: _____
license number

Current Owner: _____
name of owner

License Type :
- ☐ Funeral Establishment
- ☐ Crematory
- ☐ Cemetery
- ☐ Immediate Disposition Company
- ☐ Alternative Disposition Company

PROPOSED OWNERSHIP INFORMATION:

Proposed Facility Name: _____

Facility Physical Location:

_____
street address

_____
city, state, zip

_____ _____
on site telephone on site fax

_____
primary e-mail

_____
e-mail for death filing fee invoices (funeral establishment / immediate disposition company)

Mailing Address:

_____
print contact name

_____
street address

_____
city, state, zip

_____ _____
mailing telephone mailing fax

Location of Death Care Records:

_____
print contact name

_____
street address

_____
city, state, zip

_____ _____
telephone fax

Name of Proposed Owner: _____
true corporate, firm or individual name (Organization Level One)

Proposed Owner's Mailing Address: _____
print contact name

_____
street address

_____
city, state, zip

_____ _____
telephone fax

_____
e-mail

Will this facility write prearrangement/preconstruction trusts as defined in ORS 97.923: ☐ YES ☐ NO

If **YES**, this facility must be registered with the Oregon Department of Consumer & Business Services (Division of Finance & Corporate Securities) as a certified provider.

If **NO**, sales are limited to "at need" goods and services only.

PRINCIPALS OF PROSPECTIVE OWNER:

Proposed Manager: _____
print name of person who will manage / operate this applicant facility (include License # if applicable)

Manager e-mail: _____

Others who have decision making authority and whose primary duties include control over the operation of the applicant facility (provide all principals pursuant to OAR 830-011-0000(44)):

1. _____
name and title

_____
address

_____
phone

2. _____
name and title

_____
address

_____
phone

3. _____
name and title

_____
address

_____
phone

4. _____
name and title

_____
address

_____
phone

5. _____
name and title

_____
address

_____
phone

6. _____
name and title

_____
address

_____
phone

FACILITY REPRESENTATIVE:

Legal Name: _____ Title(s): _____

Address: _____
street address

_____
city, state, zip

_____ _____
telephone e-mail

I, _____, certify that I am a duly authorized officer or agent of the
(print name and title of duly authorized person)
above-named prospective facility's owner and that all information on this form and any attachments is true and correct. I understand that this application is not a license to operate and that the applicant owner must receive a funeral establishment license from the Oregon Mortuary and Cemetery Board before operating under the prospective ownership. I understand that making false or misleading statements in applying to the Board for licensure is cause for disciplinary action under OAR 830-050-0050(2) and ORS 692.180(1)(a).

Sign: _____

Date: _____

This completed application must be submitted with the following or it will be returned as incomplete:

- ☐ Payment of Fees
- ☐ Completed Background Information Questionnaire forms for each identified principal.
  All principals must complete a Background Information Questionnaire unless the proposed principal currently holds an individual license issued by the Board.
- ☐ If the facility is owned by more than one organizational level, a completed Applicant Facility Owner Information Sheet for every organizational level above Level One.

Forms are available upon request or on the website: www.oregon.gov/MortCem

In accordance with
Oregon Revised Statutes & **Oregon Administrative Rule**:

CHANGE OF OWNERSHIP:

OAR 830-040-0040

(1) Prior to a change of ownership, the prospective new owner must apply to the Board for the issuance of a new license on the most current forms provided by the Board in the new owner's name. (Refer to section (4) of this rule). A funeral establishment, immediate disposition company, cemetery, crematory, or alternative disposition facility must not be operated without the appropriate license or certificate of authority to operate. The appropriate fees and disclosures must accompany the application.

(2) All licensed facilities must receive Board approval prior to the sale or change of ownership of a licensed facility and provide the Board with a full disclosure of ownership of that licensed facility including percentages of ownership.

(3) All licensed facilities must be licensed by the Board and all applications for licenses must specify the real and true names of the person(s) who own or have an interest in the business proposed to be licensed by the Board, and must be signed by such person(s) or in the case of corporations, by a duly authorized officer or agent.

(4) Licenses issued under ORS 692.146 and 692.275 are not transferable. Prior to a change of ownership, sales or purchase agreements pertaining to such must be conditioned upon the prospective new purchaser's ability to apply for and obtain the necessary license or certificate of authority to operate. All licensed or certificated facilities are subject to the inspection and approval of the Board. Before opening a new facility or continuing the operation of an existing facility under new ownership, the prospective operator or new owner must apply to the Board on the most current form provided by the Board with all ownership and, if applicable, corporate information. Prior to a transfer of ownership, the prospective new purchaser and seller must notify the Department of Consumer and Business Services, giving notice of sale to that office, and give the approximate or intended date of the change of ownership.

(5) The purchase of a controlling interest (a majority) of assets or stock of an existing licensed facility will constitute a sale or change of ownership. The person or persons who own the stock of a licensed facility is considered the ownership of the licensed facility. Any one person who owns a majority of the stock is considered an owner. When percentages of stock ownership change any person moving into a majority position must be required to submit an application on the most current form provided by the Board for change of ownership.

(6) Corporate Licenses:

(a) The corporate licensee must notify the Board in writing whenever a person intends to acquire or accumulate ownership or control of ten percent or more of any class of stock in a licensed facility, except for stock in a publicly traded corporation;

(b) Except for publicly traded corporations, the corporate licensee must notify the Board immediately in writing when there has been a change in an officer or director;

(c) The Board may disapprove a change or acquisition described in this rule for any of the grounds for which a license may be denied.

(7) Partnership licensees:

(a) For the purposes of this rule, a partnership is an association of two or more persons who carry on a business jointly and who demonstrate an intent to be treated as partners by signing a partnership agreement, or by entering into a lease or contract under a name different from their real and true names.

(b) The licensee must obtain prior written approval from the Board whenever a person intends to become a general partner in a partnership or intends to acquire or control ten percent or more of the total investment commitment in a licensed limited partnership.

(c) The licensee must notify the Board in writing whenever an existing approved partner increases or decreases his/her investment interest.

(d) The Board may disapprove a change or acquisition described in this rule for any of the grounds for which a license may be denied.

(8) Co-licensees: For purposes of this rule, whenever two or more persons intend to carry on the business jointly other than as a corporation, partnership, or other approved legal entity, they will be treated as co-licensees. Corporations, partnerships, individuals, or other legal entities may become co-licensees. If corporations or partnerships become co-licensees, they must comply with the requirements pertaining to corporate and partnership licensees.

PRINCIPAL DEFINITION:

OAR 830-011-0000 defines a "**Principal**" as follows:

(41) "Principal" Principal means a person who has controlling authority over the licensed facility, including but not limited to:

(a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;

(b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;

(c) General Partners, limited and joint ventures;

(d) Sole proprietors;

(e) Stockholders holding a majority of outstanding shares of stock; and

(f) Members of a Limited Liability Company.

BACKGROUND INVESTIGATION REQUIRED PRIOR TO OREGON LICENSURE:

OAR 830-011-0050

(1) All applicants for individual or facility licenses and principals of facilities seeking or holding a license must submit to a background investigation. The background investigation may include, but is not limited to, information solicited from the Law Enforcement Data Systems, other government agencies or courts, personal references, former employers, and credit checks. The Board may require the applicant or principal to furnish any information necessary to perform a background investigation.

(2) The Board may deny, suspend or refuse to issue or renew a license or certificate when a condition exists in relation to any principal of a licensed facility which constitutes grounds for refusing to issue or renew a license or certificate or for suspension of a license.