

STATE MORTUARY AND CEMETERY BOARD

STATE OF OREGON

<p>In the Matter of the funeral establishment license of LAFOLLETTE, LLC, dba BURNS MORTUARY of PENDLETON,</p> <p style="text-align: center;">LICENSEE A</p> <p>And In the Matter of the funeral service practitioner and embalmer license of BRIAN LAFOLLETTE,</p> <p style="text-align: center;">LICENSEE B.</p>	<p>OAH Case No. 1102236 Agency Case Nos. 09-1033A & B, 09-1041A & B</p> <p style="text-align: center;">CONSENT ORDER</p>
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The Oregon Mortuary and Cemetery Board (Board) issued a Notice of Proposed Disciplinary Action and Opportunity for Hearing (Notice) on January 20, 2011 in the above-referenced matter. Both Licensees timely requested a hearing, which was scheduled for August 9, 2011. The parties wish to settle this matter without an administrative hearing or judicial review, pursuant to ORS 183.417(3). This Consent Order constitutes the final resolution of this contested case proceeding.

The parties therefore agree as follows:

1. The parties stipulate to the findings of fact as set forth in the Notice, and incorporated herein by reference.
2. The parties stipulate that the conduct of Licensees A and B as set forth in the Notice was in violation of OAR 830-030-0090(1)(f), OAR 830-030-0090(2)(b)(A), OAR 830-030-0100(11), OAR 830-040-0000(6) and grounds for discipline under ORS 692.180(1).
3. Licensee A and Licensee B each hereby acknowledge that it has read, understands, and agrees to the terms of this Consent Order. Licensees A and B hereby withdraw the request for hearing and waive any and all rights to further hearing, appeal or other legal challenge to this Consent Order.
4. The parties acknowledge that this Consent Order is a public document.
5. Licensees A and B agree that the Board may enter the following order, which shall be effective on the date it is signed by the Board:

ORDER

NOW THEREFORE IT IS ORDERED:

1. Licensees A and B shall pay to the Board civil penalties in the amount of four thousand dollars (\$4,000). Licensees A and B are jointly and severally liable for payment of civil penalties assessed under this Order; and
2. Licensees A and B are hereby reprimanded.

DATED this 21st day of July , 2011.

OREGON STATE MORTUARY AND CEMETERY BOARD

By: <s> Lynne Nelson
Lynne Nelson
Education & Compliance Manager

It is so stipulated.

LaFollette, LLC, dba Burns Mortuary of Pendleton

 <s> Brian LaFollette
By Brian LaFollette, Member

 7-12-11
Date

 <s> Brian LaFollette
By Brian R. LaFollette, FSP and Embalmer Licensee

 7-12/11
Date