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CONSENT ORDER

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State Mortuary and Cemetery Board  
State of Oregon

<p>In the matter of the funeral establishment license of:</p> <p><b>V.T. GOLDEN MORTUARY, INC. dba Virgil T. Golden Funeral Service,</b></p> <p><b>Respondent.</b></p>		<p><b>CONSENT ORDER</b></p> <p><b>AGENCY CASE NO. 12-1008A</b></p>
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The Oregon Mortuary and Cemetery Board (Board) initiated an investigation of V.T. Golden Mortuary, Inc. dba Virgil T. Golden Funeral Service, FE-8145, (Licensee) after receiving a complaint.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action to Licensee. Licensee would be provided the opportunity to request a hearing on such a Notice. 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 Licensee stipulate and agree to the following:

1. On January 20, 2012, Decedent 1 passed away. On January 22, 2012, Decedent 1 was cremated, the remains transferred to Licensee and released to one of Licensee’s funeral directors, Brit Lemay, CO-3584 (Lemay). On January 25, 2012, the son of Decedent 1 received from Lemay what he thought were his mother’s cremated remains. In fact, he received the cremated remains of Decedent 2, who had the same last name as Decedent 1. Decedent 1’s son then scattered the cremated remains he had received

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- 2 before the error was discovered.
- 3 2. Licensee violated *former* OAR 830-030-0090(1)(d) (2012) renumbered to
- 4 OAR 830-030-0090(1)(b), failing to follow through with contractual
- 5 agreements by not providing the correct cremated remains to Decedent 1's
- 6 son, and by giving the cremated remains of Decedent 2 to an individual not
- 7 authorized to receive the remains.
- 8 3. Licensee violated *former* OAR 830-030-0090(2)(b)(A) (2012) renumbered to
- 9 OAR 830-030-0090(4)(g) by causing the permanent records of arrangements
- 10 for Decedents 1 and 2 to contain inaccurate records.
- 11 4. Licensee assumed immediate and full responsibility for the error and took
- 12 immediate steps to improve facility procedures and educate all employees to
- 13 ensure it would not be repeated. Despite difficulty in contacting the family of
- 14 Decedent 2, Licensee was consistently proactive in taking steps to inform
- 15 them. Further, Licensee fully cooperated with the Board, and continued to
- 16 keep the Board apprised of the matter.
- 17 5. Licensee acknowledges this Consent Order has been reviewed. Licensee
- 18 understands and agrees to the terms of this Consent Order. Licensee enters
- 19 into this Consent Order without any force or duress. Licensee acknowledges
- 20 that no promises or representations not stated herein have been made to
- 21 induce to sign this Consent Order.
- 22 6. Licensee understands that it has the right to a contested case hearing under
- 23 the Administrative Procedures Act (ORS Chapter 183), and hereby fully and
- 24 finally waives any and all right to notice, a hearing and any rights to appeal or
- 25 otherwise challenge this Consent Order.
- 26 7. Licensee agrees the Board may issue the Order set forth below.
8. This Consent Order is a public document.

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9. This Consent Order shall be effective when signed by the Executive Director  
of the Board.

**It is so Stipulated.**

V.T. Golden Mortuary, Inc.

By: Thomas P Golden Aug 1, 2013  
Date

Title: V.P.

ORDER

The Board issues the following final order:

- 1. Licensee is reprimanded for violations of *former* OAR 830-030-0090(1)(d)  
and *former* OAR 830-030-0090(2)(b)(A).
- 2. Licensee shall pay a civil penalty of \$500.00.

Dated this 12<sup>th</sup>    day of August, 2013.

MORTUARY AND CEMETERY BOARD  
STATE OF OREGON

Michelle Gaines  
Michelle Gaines  
Executive Director