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Consent Order

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State Mortuary and Cemetery Board  
State of Oregon

In the matter of the combined funeral service practitioner and embalmer license of:  <b>BRIT LEMAY,</b>  <b>Respondent.</b>		Consent Order  <b>AGENCY CASE NO. 12-1008B</b>
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The Oregon Mortuary and Cemetery Board (Board) initiated an investigation of Brit Lemay (Licensee) who holds a combined funeral service practitioner and embalmer license, CO-3584, after receiving a complaint.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action. 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 V.T. Golden Mortuary, Inc. dba Virgil T. Golden Funeral Service (Golden) and released to one of Golden's funeral directors, Licensee. On January 25, 2012, the son of Decedent 1 received from Licensee 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 before the error was discovered.

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

