

**CONSENT ORDER**

---

**State Mortuary and Cemetery Board  
State of Oregon**

|   |  |
|---|--|
| <p>In the Matter of the Funeral Establishment license of</p> <p><b>Wilhelm Mortuary Inc. dba Neptune Cremation Services,</b></p> <p style="text-align: center;"><b>LICENSEE</b></p> | <p style="text-align: center;"><b>AGENCY CASE No. 12-1023A</b></p> <p style="text-align: center;"><b>CONSENT ORDER</b></p> |
|---|--|

The Oregon Mortuary and Cemetery Board (Board) initiated an investigation of Wilhelm Mortuary Inc. dba Neptune Cremation Services (OMCB License FE-8733, hereafter "Licensee") after it received a written complaint regarding the advertising of a funeral establishment.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action to Licensee for violation of OAR 830-011-0080(1) and ORS 692.180(1)(g). 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 agree to the following:

1. On or about December of 2011, Wilhelm Mortuary Inc. dba Neptune Cremation Services was licensed as a funeral establishment in Portland (OMCB License FE-8733, hereafter "Licensee"). Licensee also held a Certified Provider Registration with the Department of Consumer and Business Services, Division of Finance and Corporate Securities to sell trust-funded funeral prearrangements with consumers.
2. On or about December of 2011, Licensee's employee, preneed salesperson Richard Hawkins (OMCB License No. PN-8918) submitted an advertisement for "Neptune Cremation Service" for publication in the 2012 Rogue Valley Manor Telephone Directory. The advertisement did not contain the physical address of the facility which is a violation of OAR 830-040-0050(1).
3. Hawkins placed the foregoing advertisement contrary to Licensee's Minimum Ethical Standards for Independent Sales Representatives agreement which was signed and dated by Hawkins on January 26, 2011. The agreement required Hawkins to follow state laws regarding all marketing. Upon discovery of the violation, Licensee immediately notified other salespersons to follow all state laws regarding marketing, including the requirement for advertisements to include the physical address of the facility.
4. ORS 97.933(5) and OAR 830-011-0080(1) provide that the conduct of preneed salespersons employed by a certified provider is the direct responsibility of the certified provider. Violation of the Board's rules is cause for disciplinary action under ORS 692.180(1)(g).
5. Licensee agrees it violated OAR 830-011-0080(1).

6. Licensee acknowledges Licensee has read, 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 Licensee to sign this Consent Order.
7. Licensee understands that Licensee 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 a hearing and any rights to appeal or otherwise challenge this Consent Order.
8. Licensee agrees the Board may issue the Order set forth below.
9. This Consent Order is a public document.
10. This Consent Order shall be effective when signed by the Executive Director of the Board.

**ORDER**

The Board issues the following final order:

1. Licensee shall pay a civil penalty of \$500.00 for violating OAR 830-011-0080(1) and ORS 692.180(1)(g).

DATED this   21st   day of   March  , 2014.

OREGON STATE MORTUARY AND  
CEMETERY BOARD

By:   <s> Michelle Gaines    
Michelle Gaines  
Executive Director

**It is so agreed.**

  3-14-14    
Date

  <s> Tim J. Nicholson    
Signature of Licensee Representative,  
Wilhelm Mortuary, Inc. dba Neptune Cremation Services

  <p> Tim J. Nicholson    
Printed Name, Licensee Representative