

CONSENT ORDER

STATE OF OREGON MORTUARY AND CEMETERY BOARD

In the Matter of the Funeral Establishment License of BAIRD MEMORIAL CHAPEL, INC. dba BAIRD FUNERAL HOME, LICENSEE	CONSENT ORDER CASE NO. 12-1034A
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The Oregon Mortuary and Cemetery Board (Board) initiated an investigation of Baird Memorial Chapel, Inc. dba Baird Funeral Home (Licensee), OMCB License FE-8651, after it received a written complaint regarding the handling of final disposition arrangements.

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action. Licensee would be provided with the opportunity to request a hearing on such 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 February 14, 2012, a motor vehicle accident took the lives of a brother and sister. On or about February 16, 2012, the families met with an employee and representative of Licensee in Bend to make arrangements for the final dispositions. The families selected funeral goods and services for final disposition and the employee of Licensee completed two statements, one for \$1530 for the brother and another for \$1460 for the sister.
2. The employee of Licensee then prepared two additional statements, one for each decedent, each totaling \$5000.00. These statements with the inflated prices were then submitted by the employee of Licensee to an insurance company. The maximum insurance coverage was \$5000 per decedent.
3. Preparing false statements of goods and services for funeral arrangements and providing false information on funeral statement records to an insurance company are violations of OAR 830-030-0100(1), OAR 830-030-0090(4)(g) and (h), ORS 692.180(1)(a) and (b), and ORS 692.180(1)(g).
4. Principles are responsible for the actions of employees related to the operation of a licensed facility. See OAR 830-030-0090(2) and ORS 692.180(1)(g).
5. Licensee agrees that the actions of his employee violated, in at least two instances, OAR 830-030-0100(1), OAR 830-030-0090(4)(g) and (h), ORS 692.180(1)(a) and (b), and ORS 692.180(1)(g). Licensee also agrees that he violated OAR 830-030-0090(2).
6. Licensee acknowledges he 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 him to sign this Consent Order.

7. 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 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 is reprimanded and shall pay a civil penalty of \$500.00 for violating OAR 830-030-0100(1), OAR 830-030-0090(2), OAR 830-030-0090(4)(g) and (h), ORS 692.180(1)(a) and (b), and ORS 692.180(1)(g).

DATED this 9th day of June, 2014.

OREGON MORTUARY AND CEMETERY BOARD

By: <s> Michelle Gaines
Michelle Gaines
Executive Director

It is so agreed.

May 22, 2014
Date

<s> Bradley Baird
Bradley B. Baird, Licensee,
Representative for Baird Memorial Chapel, Inc., dba
Baird Funeral Home (FE-8651)