

BEFORE THE OREGON MORTUARY AND CEMETERY BOARD

<p>In the Matter of the Funeral Establishment License of</p> <p>PATRICK W. SWEENEY AND PATRICIA A. SWEENEY dba SWEENEY MORTUARY,</p> <p style="text-align: center;">LICENSEE (FE-8174)</p> <p>And</p> <p>In the Matter of the Combined Funeral Service Practitioner and Embalmer License of</p> <p>PATRICK W. SWEENEY,</p> <p style="text-align: center;">LICENSEE (CO-3473)</p>	<p>CONSENT ORDER</p> <p>CASE NO. 13-1015A</p> <p>CASE NO. 13-1015B</p>
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The Oregon Mortuary and Cemetery Board (Board), after receiving a complaint, initiated an investigation of Patrick W. Sweeney and Patricia A. Sweeney dba Sweeney Mortuary (Mortuary) and Patrick W. Sweeney (Sweeney), collectively “Respondent.”

The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action, upon which Respondent would be provided with the opportunity to request a hearing. 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, Mortuary, and Sweeney agree to the following:

1. On or about June 23, 1997, an individual paid a Forethought Insurance policy with an attached Guaranteed Statement of Funeral Goods and Services (SFGSS) agreement with Respondent.
2. At the time of individual’s death, all goods and services, preneed and at need, were paid in full by the Forethought Insurance policy. No fees were charged to the individual’s estate.
3. The SFGSS listed a charge for materials that were never provided resulting in a failure to follow through with agreed upon arrangements for funeral services, in violation of OAR 830-030-0090(1)(b). Failure to provide the materials constitutes a violation of ORS 692.180.
4. The SFGSS listed an incorrect casket price, which constitutes a violation of ORS 692.180.
5. The SFGSS listed an incorrect charge for a liner, which constitutes a violation of ORS 692.180.
6. Respondent had individual’s representative sign an incomplete SFGSS on or about October 5, 2012 and did not provide a copy of the completed document until on or about March 31, 2013. This action constitutes a failure to follow through with the minimum standards of the funeral service industry in violation of OAR 830-030-0090.
7. Respondent failed to install individual’s marker in a timely manner. Respondent failed to respond in a timely manner to letters and phone calls from individual’s representative or attorney. Respondent’s failure to respond and failure to place the marker in a timely manner constitute a failure to follow through with the minimum standards of the funeral service industry in violation of OAR 830-030-0090.

8. Violations of the Board's rules are cause for disciplinary action under ORS 692.180(1)(g).
9. Mortuary and Sweeney agree that they have violated OAR 830-030-0090(1)(b), ORS 692.180, OAR 830-030-0090(5)(d), and OAR 830-030-0090.
10. Mortuary and Sweeney acknowledge that they have read, understand, and agree to the terms of this Consent Order. Respondent agrees to issuance of the Order voluntarily and without any force or duress. Respondent states that the Board and Board staff have not made promises or representations not stated herein to induce Respondent to sign this document and agree to issuance of the Order.
11. Mortuary and Sweeney understand that they have the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and hereby fully and finally waive any and all rights to a hearing and any rights to appeal or otherwise challenge this Consent Order.
12. Mortuary and Sweeney agree the Board may issue the Order set forth below.
13. This Consent Order is a public document.
14. This Consent Order shall be effective when signed by the Executive Director of the Board.

ORDER

The Board issues the following final order:

Patrick W. Sweeney and Patricia A. Sweeney dba Sweeney Mortuary

1. Sweeney Mortuary is reprimanded for violation of OAR 830-030-0090(1)(b) and required to pay a civil penalty of \$150.
2. Sweeney Mortuary is reprimanded for violation of ORS 692.180 and required to pay a civil penalty of \$500.
3. Sweeney Mortuary is reprimanded for violation of ORS 692.180 and required to pay a civil penalty of \$140.
4. Sweeney Mortuary is reprimanded for violation of OAR 830-030-0090(5)(d) and required to pay a civil penalty of \$500.
5. Sweeney Mortuary is reprimanded for violation of OAR 830-030-0090 and required to pay a civil penalty of \$500.
6. Sweeney Mortuary is reprimanded for violation of OAR 830-030-0090.

Patrick W. Sweeney

1. Sweeney is reprimanded for violation of OAR 830-030-0090(1)(b) and required to pay a civil penalty of \$150.
2. Sweeney is reprimanded for violation of ORS 692.180 and required to pay a civil penalty of \$500.
3. Sweeney is reprimanded for violation of ORS 692.180 and required to pay a civil penalty of \$140.
4. Sweeney is reprimanded for violation of OAR 830-030-0090(5)(d) and required to pay a civil penalty of \$500.
5. Sweeney is reprimanded for violation of OAR 830-030-0090 and required to pay a civil penalty of \$500.
6. Sweeney is reprimanded for violation of OAR 830-030-0090.

It is so agreed.

DATE March 31 2015 _____ <signed> _____
Authorized Representative of Patrick W. Sweeney
and Patricia A. Sweeney dba Sweeney Mortuary

DATE March 31 2015 _____ <signed> _____
Patrick W. Sweeney

OREGON MORTUARY AND CEMETERY BOARD

SIGNED AND EFFECTIVE this 1 day of April 2015.

By: _____ <signed> _____
Michelle Sigmund-Gaines
Executive Director