

**BEFORE THE STATE MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON**

In the Matter of the Funeral Establishment License
of

**WADE WILLIAM LIND, dba SUNSET
HILLS FUNERAL HOME,**

LICENSEE

And

In the Matter of the Combination Funeral
Service Practitioner and Embalmer license of

WADE WILLIAM LIND,

LICENSEE

FINAL ORDER on DEFAULT
(Reprimand and Civil Penalties)

CASE NO. 13-1037A and B

On July 17, 2014, the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Disciplinary Action and Opportunity for a Hearing (Notice) in OMCB Case No. 13-1037 A and 13-1037 B to Wade William Lind, dba Sunset Hills Funeral Home (Sunset Hills) and Wade William Lind (Lind) that proposed to take disciplinary action in the form of a reprimand. The Notice is attached to this Final Order and is incorporated by reference.

The Notice offered Sunset Hills and Lind an opportunity for a hearing if a written request for a hearing was received by the Board within 21 days from the date the Notice was mailed. The Board mailed the Notice to the residential address Lind provided to the Board and it has not been returned. The Board did not receive a written request for a hearing.

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Final Order on Default:

FINDINGS OF FACT

1. Lind and Sunset Hills entered into an arrangement for final disposition of remains of a decedent (DoD 12/20/12) and on January 3, 2013, received \$1,190 in cash advanced cemetery fees from the person with the legal right to control final disposition of the deceased.
2. Lind had custody of the remains, but did not deliver the remains for interment until approximately October 20, 2013.
3. Waiting for more than nine months to deliver the remains for interment is a failure to properly implement and follow through with agreed arrangements and a failure to properly comply with the terms of the sales contract. OAR 830-030-0090(1)(b) and OAR 830-030-0100(4).

4. A document, Receipt for Cremated Remains, authorizing the release of five keepsake vials to a family member on January 1, 2013 did not contain the required signature of the licensee.
5. If cremated remains are not retained by the licensee, the licensee must obtain a receipt which must include the printed name and signature of the licensee. Lind's failure to sign the Receipt for Cremated Remains is a violation of OAR 830-040-0000(7).
6. Licensees and licensed facilities must keep a detailed, accurate, and permanent record of all transactions that are performed for the care, preparation and final disposition of human remains. Lind and Sunset Hill's failure to keep accurate records regarding the Receipt for Cremated Remains is a violation of OAR 830-040-0000(9).

ULTIMATE FINDINGS

4. As described above in Sections 1 through 6, Lind failed to properly implement and follow through with agreed arrangements and failed to properly comply with the terms of a sales contract in violation of OAR 830-030-0090(1)(b) and OAR 830-030-0100(4). Lind failed to sign a receipt for cremated remains in violation of OAR 830-040-0000(7). Lind failed to keep accurate records in violation of OAR 830-040-0000(9).

CONCLUSIONS OF LAW

5. Lind's conduct, as described above in Sections 1 through 6, violated OAR 830-030-0090(1)(b), OAR 830-030-0100(4), OAR 830-040-0000(7), and OAR 830-040-0000(9).
6. Violations of the Board's rules is cause for disciplinary action under ORS 692.180(1)(g).
7. For the above actions, and pursuant to ORS 692.180(1)(a) and (g), a reprimand is appropriate.

ORDER

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Final Order on Default:

1. Lind is reprimanded.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

Dated this 19 day of September, 2014

____<s> Michelle Gaines

Michelle Gaines, Executive Director
Oregon Mortuary & Cemetery Board

Certified Mail No. 7013 3020 0001 4533 5256

Date of Mailing: September 19 2014

NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW (COURT OF APPEALS)

You are entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial Review may be initiated by filing a petition for review with the Oregon Court of Appeals within 60 days from the date this Order was mailed to you.