

STATE OF OREGON MORTUARY AND CEMETERY BOARD

<p>In the Matter of the Application for Oregon Preneed Salesperson Registration Certificate of</p> <p>STEVEN MICHEAL KILLION,</p> <p>APPLICANT</p>	<p>FINAL ORDER ON DEFAULT</p> <p>DENIAL OF APPLICATION</p> <p>CASE NO. 14-1020</p>
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On September 2, 2014, the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Denial of Application and Opportunity for Hearing (Notice) on Steven Michael Killion (Applicant) that it intended to deny his application for an Oregon Preneed Salesperson Registration Certificate in accordance with OAR 830-050-0050(4) and ORS 692.180(1)(a) and (g).

The Notice offered Applicant an opportunity for a hearing if requested within 60 days from the date the Notice was mailed. Applicant did not request a hearing within this 60-day period or otherwise. The Notice designated the Board’s file on this matter as the record for purposes of default.

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. On May 21, 2014 the Board received a completed application from Steven Michael Killion (Applicant) for an Oregon Preneed Salesperson Registration Certificate (Application).
2. Application and a background investigation for Preneed Salesperson Registration Certificates are required pursuant to OAR 830-011-0050(1) and OAR 830-011-0070(1). See also ORS 97.931.
3. The Application advises applicants that misrepresentation, with or without intent, is cause for denial of an Application.
4. The Application asks: “Do you currently hold or have you ever held, or applied for, any type of occupational or professional license, certification, or registration or business license in Oregon or any other state or country.” Applicant failed to disclose licenses held as a mortgage broker in the State of Washington.
5. The Application asks about an applicant’s background regarding legal actions civil and criminal. Applicant failed to disclose a 2009 arrest. Applicant disclosed action taken against his personal and business licenses by Washington’s Department of Financial Institutions/Division of Consumer Services (Division), but did not provide the required signed, dated, written statement explaining the circumstances of each incident. In June 2014,

the Division confirmed that both Applicant's personal and business licenses have been revoked and a penalty of \$73,000 is still owed.

6. The Application also requires the applicant to list arrests, charges or citations for any offense other than traffic violations; and to specify if applicants have ever entered into a diversion agreement. The Application specifically defines Driving Under the Influence of Intoxicants (DUI) as a crime. A subsequent background investigation by the Board's investigator revealed Applicant's failure to disclose a 2004 Driving Under the Influence conviction, a 2010 dismissed felony charge, and parole violations from 2005.

7. The Application asks "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?" Applicant failed to disclose a 2009 conviction.

8. The Application asks "Do you have any ongoing criminal charges or civil legal matters that are currently unresolved?" Applicant failed to disclose the \$73,000 still owed to the Division.

CONCLUSIONS OF LAW

1. Applicant's conduct as described in Sections 4 through 8 above is a misrepresentation in obtaining a license in violation of ORS 692.180(1)(a).

2. Violation of a provision of ORS chapter 692 or any rule adopted thereunder is grounds for denial of a Preneed Salesperson Registration Certificate application pursuant to OAR 830-050-0050(4), ORS 692.180(1)(a) and ORS 692.180(1)(g).

3. Denial of a Preneed Salesperson Registration Certificate application is appropriate under the circumstances.

ORDER

1. Applicant's Application for a Preneed Salesperson Registration Certificate is hereby denied.

2. This Final Order on Default shall become effective when signed by the Executive Director of the Board.

DATED and ENTERED this 27 day of October, 2014.

<Signed>_____

Michelle Gaines
Executive Director
Oregon Mortuary & Cemetery Board

Date of Service: October 28 2014

APPEAL RIGHTS: You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of service of this order.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States.