

## THE STATE OF OREGON MORTUARY AND CEMETERY BOARD

<p>In the Matter of the Combined Funeral Service Practitioner and Embalmer license of</p> <p><b>GREGORY BARRICK, OMCB LICENSE CO-3029,</b></p> <p style="text-align: center;"><b>LICENSEE</b></p> <p>And</p> <p>In the Matter of the Funeral Service Practitioner license of</p> <p><b>BARRICK FUNERAL HOME, INC., OMCB LICENSE FE-8571,</b></p> <p style="text-align: center;"><b>LICENSEE</b></p>	<p style="text-align: center;"><b>CONSENT ORDER</b></p> <p style="text-align: center;"><b>CASE NO. 14-1039A</b></p>         <p style="text-align: center;"><b>CASE NO. 14-1039B</b></p>
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The Oregon Mortuary and Cemetery Board (Board) initiated an investigation of Gregory Barrick (Barrick), OMCB License CO-3029, and Barrick Funeral Home, Inc. (Funeral Home), OMCB License FE-8571 after it received notification from the Oregon Department of Human Services DHS) regarding failure to pay death certificate filing fees

The Board finds it has grounds to issue a Notice of Denial and Opportunity for Hearing, upon which Barrick 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 and Barrick agree to the following:

1. Barrick is the owner of Funeral Home.
2. Death certificate filing fees are cash advance items which are paid for by the consumer at the time final disposition arrangements are made.
3. Barrick has been delinquent in paying the filing fee invoices to DHS since at least December 31<sup>st</sup>, 2013.
4. Death certificate filing fees are due and payable to DHS within thirty days after billing, and in no case longer than ninety days after billing, in accordance with OAR 830-030-0000(11) and ORS 432.312(1)(renumbered to ORS 413.825(1)).
5. Collecting a cash advance from a consumer then failing to pay death certificate filing fees within the requisite time is a violation of OAR 830-030-0000(11) and ORS 692.180(1).
6. A stipulated agreement between the Board and Barrick is an authorized and prudent way to ensure repayment of past-due filing fees. Therefore, in lieu of discipline, the Board offers the following:
  - a. Barrick will contact DHS within ten days of this order to determine the most recent past-due balance and enter into a re-payment plan acceptable to DHS.

- b. Barrick will pay all future invoices on time, but no longer than 90 days past date of invoice.
7. Violations of any of the terms of this Consent Order may render the license null and void and may be cause for further disciplinary action under ORS 692.180(1)(g).
8. Mr. Barrick acknowledges that he has read, understands, and agrees to the terms of this Consent Order. Mr. Barrick agrees to issuance of the Order voluntarily and without any force or duress. Mr. Barrick states that the Board and Board staff have not made promises or representations not stated herein to induce Mr. Barrick to sign this document and agree to issuance of the Order.
9. Mr. Barrick understands that he has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and hereby fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Consent Order.
10. Mr. Barrick agrees the Board may issue the Order set forth below.
11. This Consent Order is a public document.
12. This Consent Order shall be effective when signed by the Executive Director of the Board.

### **ORDER**

**The Board issues the following final order:**

Gregory Barrick CO-3029, owner of Barrick Funeral Home, Inc (FE-8571) will enter into a payment plan with DHS for repayment of all past due death certificate filling fees as of date of this order, and will pay all future invoices no more than 90 days after receipt.

**It is so agreed.**

November 21 2014  
Date

<signed>  
Gregory Barrick,  
Owner

DATED this 26 day of November, 2014.

OREGON MORTUARY AND CEMETERY BOARD

By: <signed>  
Michelle Gaines  
Executive Director