

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

In the Matter of

**JOHN MICHAEL PEARSON,**

**APPLICANT**

**FINAL ORDER on DEFAULT**  
(Denial of Preneed Salesperson  
Registration Application)

**CASE NO. 14-1042**

On October 27, 2014, the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Denial of Application and Opportunity for a Hearing (Notice) in OMCB Case No. 14-1042 to John Michael Pearson (Applicant) that proposed to deny Applicant's Preneed Salesperson Registration Application. The Notice is attached to this Final Order and is incorporated by reference.

The Notice offered Applicant 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 Applicant provided to the Board and it was returned unclaimed. 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. On September 4, 2014, the Board received a completed Preneed Salesperson Registration Application (Application) from John Michael Pearson (Applicant).
2. Application and a background investigation for Preneed Salesperson Certificates of Registration are required pursuant to OAR 830-011-0050(1) and OAR 830-011-070(1). See also ORS 97.931.
3. The Application advises applicants that misrepresentation, with or without intent, is cause for denial of a Preneed Salesperson Registration Application.
4. Question 3 in Section 5 of the background investigation section of the Application asks: "Have you ever been arrested, charged or issued a citation for any offense/crime other than traffic violations?" The Application specifically defines Driving Under the Influence of Intoxicants (DUI) as a crime.
5. The Board's background investigation found that Applicant had failed to disclose a DUI on December 27, 1975 and a Disorderly Conduct on October 10, 1977.

### **ULTIMATE FINDINGS**

6. Applicant's failure to disclose the incidents constitute a misrepresentation on an application, and conduct that is substantially related to the fitness and ability of Applicant to engage in the activity for which the certificate is required. Specifically, Oregon preneed salespersons are expected to conduct themselves honestly and without misrepresentation, and they must be able to complete written documents such as contracts accurately and completely.
7. Applicant's failure to disclose the incident constitutes the provision of false or untruthful information to the Board.
8. Misrepresentation in the conduct of obtaining a license and providing false or untruthful information to the Board are each causes to deny a license pursuant to ORS 692.180(1)(a), ORS 692.180(1)(g), and OAR 830-050-0050(4).

### **CONCLUSIONS OF LAW**

9. Applicant's failure to disclose, as described above in Sections 1 through 5 violated ORS 692.180(1)(a), ORS 692.180(1)(g), and OAR 830-050-0050(4).
10. Violations of the Board's rules is cause for disciplinary action under ORS 692.180(1)(g).
11. For the above actions, and pursuant to ORS 692.180(1)(a) and (g), denial of Applicant's Preneed Salesperson Registration Application 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. Applicant's Preneed Salesperson Registration Application is denied.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

Dated this 10th day of March, 2015

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<signed>  
Michelle Sigmund-Gaines, Executive Director  
Oregon Mortuary & Cemetery Board

Date of Mailing: March 10, 2015

### **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.