

1 MORTUARY AND CEMETERY BOARD

2 STATE OF OREGON

3 In the Matters of:

**SETTLEMENT AGREEMENT and
CONSENT ORDER**

4 LAFOLLETTE LLC
dba LAFOLLETTE’S CHAPEL,

OAH Case No. 1202842
Agency Case No. 08-1023A

5 BRIAN R. LAFOLLETTE,

OAH Case No. 1202843
Agency Case No. 08-1023B

6 BEVERLY A. LAFOLLETTE,

OAH Case No. 1202844
Agency Case No. 08-1023C

7 DAVID P. MCDONALD, and

OAH Case No. 1202845
Agency Case No. 08-1023D

8 CRAIG LAFOLLETTE,

OAH Case No. 1202846
Agency Case No. 08-1023E

9 Licensees.

12
13 The Oregon Mortuary and Cemetery Board (hereafter “Board”) is the state agency
14 responsible for licensing, regulating and disciplining funeral establishments, funeral service
15 practitioners and embalmers in the State of Oregon. LaFollette LLC holds an Oregon funeral
16 establishment license issued by the Board for a funeral establishment operating as
17 LaFollette’s Chapel in Burns, Oregon (hereafter “LaFollette’s Chapel”). Brian LaFollette is
18 a licensed funeral service practitioner (FSP) and embalmer. Beverly LaFollette is a licensed
19 FSP. Brian LaFollette is a licensed FSP and embalmer. Craig LaFollette is a licensed FSP
20 and embalmer. David McDonald is a licensed FSP. Collectively, LaFollette’s, Beverly
21 LaFollette, Brian LaFollette, David McDonald and Craig LaFollette are referred to herein as
22 “the Licensees”.
23

1 during this same time period without confirming or obtaining detailed,
2 accurate, or complete documentation for the decedents in violation of *former*
3 OAR 830-030-0010(3) (since amended by OMCB Order 1-2012) and *former*
4 OAR 830-040-0000(6). David McDonald made final disposition
5 arrangements on several occasions during this same time period without
6 confirming or obtaining detailed, accurate, or complete documentation for the
7 decedents in violation of *former* OAR 830-030-0010(3), *former* OAR 830-
8 040-0000(6), and asked a person without the right to control disposition for
9 permission to embalm in violation of *former* OAR 830-030-0090.

10 b. Between January 1, 2007 and September 30, 2008, LaFollette's Chapel failed
11 to obtain proper or complete written authorization or documentation of
12 authorization prior to embalming in several instances in violation of *former*
13 OAR 830-030-0010(3). Brian LaFollette failed to obtain or confirm proper
14 authorization or documentation in violation of *former* OAR 830-030-0010(3)
15 and *former* OAR 830-040-0000(6) prior to embalming several decedents
16 during this same time period. Craig LaFollette failed to obtain or confirm
17 proper authorization or documentation in violation of *former* OAR 830-030-
18 0010(3) and *former* OAR 830-040-0000(6) prior to embalming several
19 decedents during this same time period.

20 2. The Licensees hereby acknowledge that each licensee has read, understands, and
21 agrees to the terms of this Settlement Agreement and Consent Order. The
22 Licensees hereby withdraw the requests for hearing and waive any and all rights
23

1 to further hearing, appeal or other legal challenge to this Settlement Agreement
2 and Consent Order.

3 3. This Settlement Agreement and Consent Order may be executed in multiple
4 counter-parts, each of which shall be deemed an original and all of which shall
5 constitute one document. Facsimile or scanned signatures sent via electronic mail
6 shall be considered the same as an original for purposes of this agreement.

7 4. The Licensees agree that the Board may enter the following consent order, which
8 shall be effective on the date it is signed by the Board or its designee:

9
10 **CONSENT ORDER**

11 **NOW THEREFORE IT IS ORDERED:**

- 12 1. The Board finds the facts and violations listed in paragraph 1 of the above
Settlement Agreement to be true.
- 13 2. LaFollette's Chapel shall pay to the Board civil penalties in the amount of three
14 thousand eight hundred dollars (\$3,800). LaFollette's Chapel is hereby
reprimanded.
- 15 3. LaFollette's Chapel shall maintain a log that records any embalming performed by
16 or on behalf of the licensed funeral establishment that it operates in Burns,
Oregon. Entries in this log must be retained for a period of five years. For each
17 embalming, the log must report the following minimum information: (1) the name
of the decedent to be embalmed, (2) the date and time embalming process began,
18 (3) the date and time embalming process was complete, (4) the name of the
embalmer performing the embalming, (5) the signature of the embalmer using
19 either a full signature or marking his or her initials, (6) the date on which
authorization for embalming was provided, (7) the name of licensee who obtained
20 authorization for embalming, and (8) a notation indicating whether oral
authorization preceded the written authorization.
- 21 3. Brian LaFollette shall pay to the Board civil penalties in the amount of one
22 thousand one hundred dollars (\$1,100). Brian LaFollette is hereby reprimanded.
- 23 4. Beverly LaFollette shall pay to the Board civil penalties in the amount of one
thousand five hundred dollars (\$1,500). Beverly LaFollette is hereby
reprimanded.

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- 2 5. David McDonald shall pay to the Board civil penalties in the amount of six
hundred dollars (\$600). David McDonald is hereby reprimanded.
- 3 6. Craig LaFollette shall pay to the Board civil penalties in the amount of four
hundred dollars (\$400). Craig LaFollette is hereby reprimanded.
- 4
- 5 7. The failure of any of the Licensees subject to this Consent Order to comply with
any term of this order, ORS chapter 692 or OAR chapter 830 shall be grounds for
additional discipline by the Board.
- 6

7 DATED this 14th day of February, 2013.

8 OREGON STATE MORTUARY AND CEMETERY
BOARD

9 By: <s> Michelle Gaines
10 Michelle Gaines
Executive Director

11 It is so stipulated.

12 LaFollette, LLC, dba LaFollette Chapel

13 <s> Beverly LaFollette February 4, 2013
14 By Beverly LaFollette, Member Date

15 <s> Brian R. LaFollette February 4, 2013
16 By Brian R. LaFollette, Member Date

17 <s> Brian R. LaFollette February 4, 2013
18 Brian R. LaFollette, FSP and Embalmer Licensee Date

19 <s> Beverly LaFollette February 4, 2013
20 Beverly LaFollette, FSP Licensee Date

21 <s> Craig LaFollette February 4, 2013
22 Craig LaFollette, FSP and Embalmer Licensee Date

23 <s> David McDonald February 4, 2013
David McDonald, FSP Licensee Date