

MORTUARY AND CEMETERY BOARD

STATE OF OREGON

In the Matters of:

**POOLE-LARSEN FUNERAL HOME,
INC.**

**POOLE-LARSEN FUNERAL HOME,
INC. dba AURORA CREMATION &
BURIAL SERVICES, and**

TERRY D. MOORE ,

Licensees.

CONSENT ORDER

Agency Case No. 10-1038A

Agency Case No. 10-1038B

Agency Case No. 10-1038D

The Oregon Mortuary and Cemetery Board (hereafter “Board,” “OMCB”) is the state agency responsible for licensing, regulating and disciplining funeral establishments, funeral service practitioners and embalmers in the State of Oregon. Poole-Larsen Funeral Home, Inc. held an Oregon funeral establishment license issued by the Board for a funeral establishment operating as Poole-Larsen Funeral Home in Eugene, Oregon (OMCB License No. FE-8232) and Poole-Larsen Funeral Home, Inc. held an Oregon funeral establishment license issued by the Board for a funeral establishment operating as Aurora Cremation & Burial Services in Eugene, Oregon (OMCB License No. FE-8432). Terry Moore is a licensed funeral service practitioner and embalmer (OMCB License No. CO-3277). Collectively, Poole-Larsen Funeral Home, Inc., Poole-Larsen Funeral Home, Inc. dba Aurora Cremation & Burial Services and Terry Moore are referred to herein in as “the Licensees.”

The Oregon Mortuary and Cemetery Board (Board) initiated an investigation of the Licensees when it received a complaint. The Board finds it has grounds to issue a Notice of Proposed Disciplinary Action. Licensees would be provided the opportunity to request a hearing on such a Notice. In lieu thereof, the Board and the Licensees 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 Licensees agree to the following:

1. Licensees agree that on the two aforementioned funeral establishments’ general price lists, effective May 4, 2009, Licensees misrepresented the type of alternative container provided in the direct cremation package. Specifically, Licensees described the alternative container for direct cremations as an unfinished wood minimum cremation tray when Licensees used a plastic body wrap as the alternative container for direct cremations.

2. Licensees agree that on the two aforementioned funeral establishments' casket price lists, effective January 14, 2009, Licensees failed to list the alternative container used by the two facilities. Specifically, Licensees did not list or describe the plastic body wrap.
3. Licensees agree that the above misrepresentations regarding the type of alternative container used by Licensees as described in paragraph 1 above violated ORS 692.180(1)(a) and ORS 692.180(1)(h).
4. Licensees agree that the above failure to include an accurate alternative container description on the casket price lists as described above in paragraph 2 violated the Federal Trade Commission Funeral Rules 16 CFR 453.2(b)(2)(i) and 16 CFR 453.2(a) and violated ORS 692.180(1)(h).
5. Licensees acknowledge that they have read, understand, and agree to the terms of this Consent Order. Licensees enter into this Consent Order without any force or duress. Licensees acknowledge that no promises or representations not stated herein have been made to induce Licensees to sign this Consent Order.
6. Licensees understand that they have the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and Licensees hereby fully and finally waive any and all right to a hearing and any rights to appeal or otherwise challenge this Consent Order.
7. Licensees agree the Board may issue the Order set forth below.
8. Licensees understand this Consent Order is a public document.

ORDER

The Board issues the following final order:

1. Licensees are reprimanded.
2. This Consent Order shall be effective when signed by the Executive Director of the Board.

DATED this ___14th ___ day of February, 2013.

OREGON STATE MORTUARY AND CEMETERY BOARD

By: ___<s> Michelle Gaines_____

Michelle Gaines
Executive Director

It is so agreed.

Poole-Larsen Funeral Home, Inc.

____<s> Terry D. Moore_____
By Terry Moore, Shareholder

____2-9-13_____
Date

____<s> Terry D. Moore_____
Terry Moore, Funeral Service Practitioner and
Embalmer Licensee

____2-9-13_____
Date