

Final Order on Default

State Mortuary and Cemetery Board
State of Oregon

In the Matter of the Application
For Preneed Salesperson
Registration of

DAVID J. OVERSON,

Applicant

Case No.: 10-1069

FINAL ORDER on DEFAULT

On February 14, 2011, the Oregon Mortuary & Cemetery Board (OMCB, Board) properly served a Notice of Proposed Denial of Application and Opportunity for Hearing (Notice) on David J. Overson (Applicant) that it intended to deny his application for Preneed Salesperson Registration for violation of OAR 830-050-0050(2), OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B) and pursuant to OAR 830-011-0080(2), ORS 692.180(1)(a), ORS 692.180(1)(g) and ORS 97.931(3).

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 by Default:

FINDINGS OF FACT

1. Applicants for Preneed Salesperson Registration must apply on a form provided by the Board and consent to a background check. OAR 830-011-0070; ORS 97.931(3).
2. Applicants are informed by means of written notice on the application, that any misrepresentation or omission is cause for refusal to issue a certificate.
3. By application received on December 13, 2009, Applicant applied to the Board for Preneed Salesperson Registration.
4. The Application's Background Information section, asks Applicant, "Have you ever been arrested, charged or cited for anything other than traffic violations;" and "Have you ever been convicted, or are you currently charged with, committing a crime whether or not adjudication was withheld?" Applicant answered "No" to both questions.

5. A background investigation revealed that Applicant failed to disclose at least the following criminal charges and convictions:

DATE OF OFFENSE	ARRESTING AGENCY	CHARGE	COURT	COURT DATE	STATUS	SENTENCE
04/27/1985	OSP	Angling on a Closed River	Tillamook District	05/06/1985	Unknown	Unknown
01/31/1982	West Linn P.D.	Fail to Appear 1 st Degree	Circuit Court	Unknown	Unknown	Unknown
09/10/1982	Clackamas Co. S.O.	Fail to Appear 2 nd Degree	Clackamas District	03/31/1983	Convicted	\$55 Fine

CONCLUSIONS OF LAW

1. In applying to the Board for a preneed registration salesperson certificate, Applicant misrepresented his arrest and conviction history. Making a misrepresentation to obtain a certificate is grounds for certificate denial pursuant to OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B) and OAR 830-050-0050(2); and also ORS 692.180(1)(a).
2. The foregoing are cause for refusal to grant a preneed salesperson certificate pursuant to OAR 830-011-0080(2), ORS 97.931(3) and ORS 692.180(1)(a) and ORS 692.180(1)(g).
3. Denial of Preneed Salesperson Registration application is appropriate under the circumstances.

ORDER

1. Applicant's Application for Preneed Salesperson Registration is hereby denied.
2. This Final Order shall become effective when signed by the Executive Director of the Board.

DATED and ENTERED this __9th__ day of May, 2011.

_<s> Michelle Gaines _____
 Michelle Gaines
 Executive Director
 Oregon Mortuary & Cemetery Board

Date of Service: __May 9, 2011_____

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.