

CONSENT ORDER

**State Mortuary and Cemetery Board
State of Oregon**

<p>In the Matter of the Apprenticeship Embalmer and Apprenticeship Funeral Service Practitioner Certificates Application of</p> <p>WILLIAM MARTIN BROWN, Jr.,</p> <p style="text-align: center;">Applicant/Licensee</p>	<p>Case No. 11-1030</p> <p>Consent Order</p>
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WHEREAS, the Oregon State Mortuary and Cemetery Board (Board) is prepared to issue a Notice of Proposed Denial of Application for Embalmer Apprenticeship and Funeral Service Provider (hereafter "FSP") Apprenticeship Certificates against William Martin Brown (hereafter "Licensee" or "Applicant") in Case No. 11-1030 upon the following bases:

1. On May 10, 2011, the Board received a completed application from Applicant for Apprentice Embalmer and Apprentice FSP certificate. In the application, Applicant disclosed his criminal history as follows:
 - a. A 1984 conviction (Case No: M61282-Washington County) for Theft 2, a Class A misdemeanor crime. Applicant received a sentence of one year probation.
 - b. A 1990 conviction (Case No: 91D100056-Marion County) for Theft 2, a Class A misdemeanor crime. Applicant received a sentence of 24 months probation.
 - c. A 1996 conviction (Case No: CR96252-Yamhill County) for Assault 4, a Class A misdemeanor crime. Applicant was sentenced to 36 months probation.
 - d. A 2003 conviction (Case No: 03P50603/01-Polk County) for Theft 2, a Class A misdemeanor crime. Applicant was sentenced to 18 months probation.
 - e. A 2005 conviction (Case No: 05C40588/01) for Theft 1, a Class C felony crime. Applicant was sentenced to 18 months incarceration in state prison. Brown stated he engaged in the theft due to a gambling addiction.

2. The foregoing crimes bear a demonstrable relationship to funeral service practice or have a demonstrable bearing upon the standards of the profession and are therefore grounds for refusal to grant an Embalmer Apprenticeship Certificate & FSP Apprenticeship Certificate pursuant to OAR 830-050-0050(3), ORS 692.180(1)(i) and ORS 670.280(3).

WHEREAS, the Board and the Applicant are desirous of resolving and settling the foregoing matters in Case No. 11-1030 without further proceedings thereon and this Consent Order constitutes the entire agreement of the parties and is a final order of the Board, the Board and Applicant/Licensee agree to the following:

1. Applicant is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision in Case No. 11-1030, and hereby freely and voluntarily waives those rights;
2. Applicant hereby acknowledges that he has read, understands, and agrees to the terms of this Consent Order;
3. For violating OAR 830-050-0050(3), ORS 692.180(1)(i) and ORS 670.280(3), upon the effective date of this Consent Order, Applicant/Licensee is placed on probation for at least twenty-four months, subject to the following conditions:
 - a. Licensee will comply with all laws and rules applicable to the death care industry.
 - b. Licensee will not manage or hold any supervisory position at a licensed facility, and while employed at a licensed facility, will work under supervision.
 - c. Licensee will notify the Board, in writing, anytime his employer or employers change.
 - d. Licensee will provide a complete copy of this Consent Order to his current death care industry employer and to any other death care industry employer in Oregon that employs Licensee during the period of probation.
 - e. Licensee may not have independent responsibility for inventory of a decedent's possessions, and may not have any independent responsibility for handling client monies or other funds during the period of probation.
 - f. Licensee will provide Quarterly Reports from each employer regarding his conduct. Each Report must be received by the Board within ten days following the end of the quarter, and must include at a minimum:
 - i. The name and signature of Licensee's supervisor;
 - ii. Whether Licensee remains employed at this facility. If Licensee is no longer employed, the Report must provide the date Licensee was last employed and the reason for his departure;
 - iii. Whether Licensee had any independent responsibility for the inventory of a decedent's possessions or for client monies or other funds during the quarter; and

iv. Whether Licensee has received any discipline from the employer during the quarter. The Report must state the nature of the discipline and the reason for such discipline.

g. Licensee will not engage in any act of gambling, whether done in person, on the internet, or by other electronic means, regardless of whether such actions are legal. Gambling means staking or risking something of value on a game of chance or a future contingent event not under the person's control or influence upon the understanding that a person will receive something of value in the event of a certain outcome.

4. If at any time during the prescribed probationary period, Licensee violates any provision of this Order, or any provision of ORS Chapter 692 or OAR Chapter 830, the Board may revoke all licenses held by Licensee.
5. The Board shall determine satisfactory completion of the Licensee's probation based upon the Licensee's successful completion of the probationary period, criminal background checks and any other relevant information.
6. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this __13th__ day of June, 2011.

MORTUARY AND CEMETERY BOARD OF THE
STATE OF OREGON

By: __<s> Michelle Gaines_____
Michelle Gaines, Executive Director

It is so agreed.

__June 13, 2011_____
Date

____<s> William Martin Brown_____
Applicant, William Martin Brown