

## NOTICE OF PROPOSED DISCIPLINARY ACTION

### State Mortuary and Cemetery Board State of Oregon

In the Matter of the crematory license of  
**Portland Cremation Center, LLC** (CR-  
0694),

**Respondent**

Notice of Proposed Disciplinary Action  
And  
Opportunity for Hearing

**Case No. 06-1005C**

Pursuant to ORS 692.180, the Oregon Mortuary & Cemetery Board proposes to take disciplinary action in the form of a civil penalty against you on the grounds noted below. For statutory and rule violations the Board may impose one or more of the following sanctions: Reprimand; license revocation; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

#### **Grounds for Disciplinary Action:**

1. At all times mentioned herein Portland Cremation Center, LLC. (hereafter "Respondent") was licensed by the Oregon Mortuary and Cemetery Board as a crematory (OMCB License No. CR-0694); and the facility manager was Craig Collins (OMCB License No. FS-0500) ("Collins").
2. At all times mentioned herein, Amber Roley-Ensign ("Roley-Ensign"), an unlicensed individual, was employed at Respondent facility as a crematory operator.
3. Various funeral establishments, including Affordable Funeral Alternatives, Inc. (OMCB License No. FE-8386), and Gresham Funeral Chapel (OMCB License No. FE-8368), contract Respondent crematory to perform cremations.
4. Affordable Funeral Alternatives uses Gresham Funeral Chapel's refrigeration unit for holding remains.

**5.**

**5a.** On February 10, 2006, a widowed female, M. Morris, died. The person with the right to control final disposition of the remains, pursuant to ORS 97.130(1) and (2), was her son, T. Morris. The remains of M. Morris were transported to Gresham Funeral Chapel.

**5b.** On or about February 11, 2006, Affordable Funeral Alternatives entered into an agreement with T. Morris to perform the final disposition arrangements of his mother's remains. The method of final disposition chosen by T. Morris was interment at a local cemetery.

**6.**

**6a.** On February 13, 2006, Respondent's manager, Collins, arrived at Gresham Funeral Chapel to transport the remains of another decedent (A. Browne) to PCC, for cremation.

**6b.** While at Gresham Funeral Chapel, Collins failed to properly identify the decedent and mistakenly removed and transported the remains of M. Morris to Respondent crematory, instead of the remains of A. Browne.

**7.**

**7a.** On February 13, 2006, Respondent's employee, Amber Roley-Ensign, failed to accurately verify the remains of M. Morris prior to cremating her remains at PCC, which was a violation of OAR 830-030-0040(5) and ORS 432.317(6).

**7b.** OAR 830-030-0090(1)(f) requires that every licensee shall maintain supervision of unlicensed persons to whom tasks are assigned.

**7c.** Respondent, therefore, violated OAR 830-030-0090(1)(f) when Respondent failed to maintain supervision of Amber Ensign-Roley. The foregoing is cause for discipline under ORS 692.180(1)(g).

**8.**

**8a.** OAR 830-030-0040(1) requires that no Crematory Authority shall cremate a human remains without obtaining written permission of the person who has right to control the disposition of the remains.

**8b.** Respondent violated OAR 830-030-0040(1) when Respondent failed to obtain a cremation authorization for the remains of M. Morris prior to cremation. The foregoing violation is cause for discipline under ORS 692.180(1)(g).

**9.**

Respondent immediately self-disclosed the foregoing circumstances to the Board.

**10.**

Definitions that may be relevant to this notice are found in OAR 830-011-0000 and ORS 432.005.

**Rights and Procedures**

You are entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and ORS 692.265(1). If you want a hearing, you must file a written request for hearing with the State Mortuary & Cemetery Board (the "Board") within 20 days from the date this notice was mailed. If a request for hearing is not received within this 20-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to State Office Building, 800 NE Oregon St., Suite 430, Portland, Oregon 97232-2195.

If you request a hearing, you will be notified of the time and place of the hearing. You must be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Disciplinary Action. If you do not request a hearing within 20 days, or if you withdraw a hearing request, notify the Board or hearing officer that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default imposing discipline as determined by the Board. If the Board issues a final order by default, it designates its file on this matter as the record for purposes of establishing a prima facie case.

DATED this   2nd   day of   April  , 2007.

MORTUARY AND CEMETERY BOARD

OF THE STATE OF OREGON

By:            <s> Lynne Nelson  
Designee: Lynne Nelson, Compliance Manager