

## NOTICE OF PROPOSED DISCIPLINARY ACTION

### State Mortuary and Cemetery Board State of Oregon

In the Matter of the **Amber Ensign-  
Roley**, crematory operator,

**Respondent**

Notice of Proposed Disciplinary Action  
And  
Opportunity for Hearing

**Case No. 06-1005E**

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 "PCC") was licensed by the Oregon Mortuary and Cemetery Board as a crematory (OMCB License No. CR-0694).
2. At all times mentioned herein, Respondent, an unlicensed individual, was employed at PCC as a crematory operator.
3. Various funeral establishments, including Affordable Funeral Alternatives, Inc. (OMCB License No. FE-8386) contract PCC to perform their cremations.
4.
  - 4a. On February 10, 2006, an elderly female, M. Morris, died at Portland Adventist Medical Center. A toe-tag stating the decedent's name was placed on her foot.

4b. 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. T. Morris contracted Affordable Funeral Alternatives to conduct the final disposition arrangements of M. Morris. The method of final disposition chosen by T. Morris was interment at a local cemetery.

4c. On February 13, 2006, the remains of M. Morris were mistakenly delivered to PCC together with a cremation authorization and final disposition permit for another female decedent: A. Browne.

4d. 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. OAR 830-030-0040(1)

4e. Respondent failed to verify M. Morris' remains immediately prior to placing the remains within the cremation chamber and Respondent cremated the remains.

4f. The foregoing is a violation of OAR 830-030-0040(5) which is cause for disciplinary action under ORS 692.180(1)(g).

## 5.

5a. Due to the foregoing failure to properly identify remains, Respondent wrote an incorrect name ("Browne") on the cremation log as the remains that were cremated, not the name of the actual decedent, Morris.

5b. Therefore, as an agent of PCC, Respondent failed to keep a detailed, accurate, and permanent record of all transactions that were performed for the final disposition of M. Morris.

5c. The foregoing is a violation of OAR 830-040-0000(6), which is cause for disciplinary action under ORS 692.180(1)(g).

### Rights and Procedures

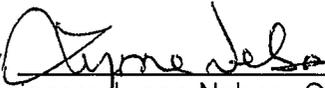
You are entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and ORS 692.265(1). If you want a hearing, you must file a written request for hearing with the State Mortuary & Cemetery Board (the "Board") within 20 days from the date this

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 may 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 5<sup>th</sup> day of April, 2007.

MORTUARY AND CEMETERY BOARD  
OF THE STATE OF OREGON

By   
Designee: Lynne Nelson, Compliance Manager