

## Final Order by Default

### State of Oregon Mortuary and Cemetery Board

In the Matter of the Denial of the Funeral  
Service Practitioner Apprenticeship  
Application of:

**Patricia Chamberlan,**

**Applicant**

**Case No.: 07-1023**

**Final Order**

On June 6, 2007 the Oregon Mortuary & Cemetery Board (Board) properly served a Notice of Proposed Denial of Application (Notice) on Patricia Chamberlan (Applicant) that it intended to deny her Funeral Service Practitioner Apprenticeship Application for violations of ORS 692.180(1)(a), ORS 692.180(1)(g), OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B), OAR 830-050-0050(2), ORS 670.280(2), (3), and OAR 830-050-0050(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:

#### FINDINGS OF FACT

1. Applicants for a preneed salesperson registration must apply on a form provided by the Board and consent to a background check. ORS 97.931(1)(2) and (3)
2. Applicants for a funeral service practitioner apprenticeship certificate must apply on a form provided by the Board and consent to a background check. ORS 692.190(1)
3. Applicants are informed, by means of written notice on the applications, that any misrepresentation or omission is cause for refusal to issue a registration.
4. By application received on January 26, 2007, Applicant had applied to the Board for a Preneed Salesperson Registration.
5. By application received on May 14, 2007, Applicant applied to the Board for a Funeral Service Practitioner Apprenticeship certificate.

6. Question 3 on the Preneed Application and Question 3 on the FSPA Application, Background Information, asks Applicant, "Have you ever been arrested, charged or cited for anything other than traffic violations?" Applicant wrote "No" on the Preneed Application. Applicant wrote "Yes" on the FSPA Application. Both applications state, "If yes, Applicant must provide a detailed, complete and accurate written account of the facts and circumstances of each arrest or cite (include any dismissals)."

7. Question 4 on both the Preneed Application and the FSPA Application, Background Information, asks Applicant, "Have you ever been convicted of a crime: felony or misdemeanor offense?" Applicant wrote "No" on the Preneed Application. Applicant wrote "Yes" on the FSPA Application. If the answer was "yes," Applicant was to list the conviction(s) and provide a written, detailed, complete and accurate account of all the facts and circumstances of each crime which led to conviction(s).

8. Application question number four (4) asks if the Applicant has ever been convicted of a felony or misdemeanor crime. If the answer is "yes" the Applicant is required to list all of the convictions and provide a detailed, complete and accurate written account of the facts and circumstances of each crime which led to the conviction.

9. Applicant attached copies of four documents to her FSPA Application:

- a. Citation U19566, issued to Applicant, for a 1988 traffic crime, "Giving False Name to Police Officer."
- b. A Judgment Order, Coos County District Court Case no. 88CR0750, dated May 16, 1988.
- c. Letter from Applicant to the Board, dated February 26, 2007, regarding her Preneed Application. Applicant states in the letter: *I remember being pulled over by a police officer on Highway 101 in the late 1980s. I remember receiving a pink traffic ticket for speeding and going to the courthouse. At the courthouse, I was informed that a trial and another appearance would be required. Unable to take more time off work, I plead guilty and paid the fine.*
- d. Letter dated April 23, 2007, from Applicant to the Board, in which Applicant states she received a traffic infraction.

10. On April 5, 1988, Applicant received a citation for the Class A misdemeanor crime of ORS 162.385 (1987) "Giving False Name to Police Officer," in Coos County, Oregon.

11. On May 16, 1988, Applicant appeared at the arraignment hearing at Coos County Oregon Circuit Court in Coquille, Oregon, waived her right to an attorney, pleaded guilty to the crime of Giving False Information to a Police Officer, and signed the Judgment Order in Coos County Circuit Court Case No. 88CR-0750 to pay \$50.00 and accept probation for a period of one year. Applicant also pleaded guilty to driving while suspended, a violation of ORS 811.175 (1987).

12. During interviews with Board investigators in January and February 2007, Applicant denied that her driver's license had been suspended, denied that she had been placed on probation, and denied having a criminal conviction.

13. Therefore, in her Preneed Application to the Board, Applicant failed to disclose the 1988 citation, and Applicant failed to disclose the 1988 conviction, for the Class A misdemeanor

crime of "Giving False Information to Peace Officer." In addition, Applicant misrepresents the facts and circumstances of the arrest and conviction in her FSPA Application.

14. Applicant's misrepresentations in the course of obtaining a registration or license, and failure to answer Board inquiries truthfully and completely are grounds to deny the FSPA Application under ORS 692.180(1)(a), ORS 692.180(1)(g), OAR 830-030-0090(2)(c)(D), OAR 830-030-0090(2)(d)(B) and OAR 830-050-0050(2).

15. In addition, Applicant's conviction of the Class A misdemeanor crime of "Giving False Information to Police Officer", in light of her recent misrepresentations in the Preneed and FSPA applications, has a demonstrable bearing on the standards of honesty and integrity, which are essential in the funeral services profession. Funeral Service Practitioners conduct financial transactions with vulnerable consumers. Applicant's conviction is grounds for denial of the Application under ORS 670.280(2), (3), ORS 692.180(1)(g) and OAR 830-050-0050(3).

### **ULTIMATE FINDINGS**

1. By failing to give an accurate, detailed and complete account of the facts and circumstances for the arrest and conviction of "False Information to a Police Officer" in her applications, Applicant failed to answer truthfully and accurately inquiries regarding matters within the Board's jurisdiction and Applicant made a false and misleading statement to the Board.
2. By failing to give a complete and accurate account of the facts and circumstances of an arrest and conviction Applicant misrepresented her criminal history to the Board.
3. Applicant's conviction of the Class A misdemeanor crime of "Giving False Information to Police Officer," has a demonstrable bearing on the standards of honesty and integrity, which are essential in the funeral services profession.

### **CONCLUSION OF LAW**

In applying to the Board for licensure, Applicant misrepresented her criminal history by making false and misleading statements. A false or misleading statement on a license application is grounds for license denial pursuant to OAR 830-050-0050(2), OAR 830-030-0090(2)(d)(B) and ORS 692.180(1)(g); and misrepresentation on an application to the Board is cause for refusal to grant a license pursuant to OAR 830-030-0090(2)(c)(D) and ORS 692.180(1)(a) and (g).

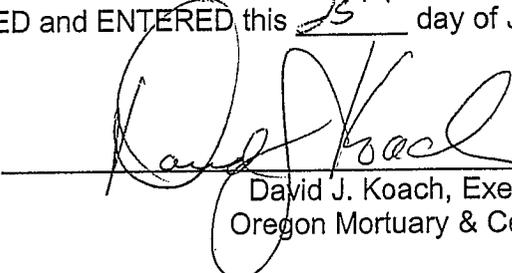
Applicant's conviction of the Class A misdemeanor crime of "Giving False Information to Police Officer" has a demonstrable bearing on the standards of honesty and integrity, which are essential in the funeral services profession. Funeral Service Practitioners conduct financial transactions with vulnerable consumers. Applicant's conviction is grounds for denial of the Application under ORS 670.280(2), (3), ORS 692.180(1)(g) and OAR 830-050-0050(3).

### **ORDER**

1. Applicant's Funeral Service Practitioner Apprenticeship Application is hereby denied.

2. This Final Order shall become effective when signed by the Executive Director of the Board.

DATED and ENTERED this 25<sup>th</sup> day of January, 2008.

  
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David J. Koach, Executive Director  
Oregon Mortuary & Cemetery Board

Date of Service: January 25, 2008

**NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW (COURT OF APPEALS)**

You are entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial Review may be initiated by filing a petition for review with the Oregon Court of Appeals within 60 days from the date this Order was mailed to you.