

**BEFORE THE MORTUARY AND CEMETERY BOARD  
OF THE STATE OF OREGON**

<p>In the Matter of the Preneed Salesperson Registration Certificate of <b>CAMERON R. STEWART,</b></p> <p style="text-align: center;"><b>RESPONDENT</b></p>	<p>Notice of Proposed Disciplinary Action And Opportunity for a Hearing</p> <p style="text-align: center;"><b>CASE NO. 08-1013C</b></p>
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Pursuant to ORS 692.180 and ORS 97.931, the Oregon Mortuary & Cemetery Board proposes to take disciplinary action 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 Discipline:**

**1.**

**1a.** At all times mentioned herein, Cameron R. Stewart (hereafter "Respondent") was registered by the Oregon Mortuary & Cemetery Board (hereafter "OMCB" or "Board") as a Preneed Salesperson (OMCB Preneed Salesperson Registration No. PN-8650).

**1b.** At all times mentioned herein, Respondent was employed as a preneed salesperson for various StoneMor Oregon funeral establishments and cemeteries, including Memory Gardens Memorial Park (OMCB License No. CE-0734, hereafter "Memory Gardens") in Medford.

**1c.** At all times mentioned herein, Memory Gardens was a Certified Provider registered with the State of Oregon Department of Consumer and Businesses Services (DCBS) to sell trust-funded prearrangements for cemetery goods and services, Registration Nos. CP-0284 and CP-0292.

**1d.** At all times mentioned herein David A. Perlman (hereafter "Perlman") was employed as the Preneed Regional Sales Manager for various StoneMor Oregon funeral establishments and cemeteries, and registered as a Preneed Salesperson (OMCB Preneed Salesperson Registration No. PN-8568).

**1e.** At all times mentioned herein, Robert Diaz (hereafter "Diaz") was registered by the Board as a Preneed Salesperson (OMCB License No. PN-8682) and employed at Memory Gardens.

**2.**

**2a.** In 1991, Keith T. and Betty T., husband and wife, purchased two rights of interment in urn garden plots in the "Savior Scatter Garden", two urns, two outer burial containers and a nameplate from Memory Gardens.

**2b.** In early August of 2007, Diaz contacted Keith T. or Betty T. by phone and made an appointment to come to their home for the purpose of selling additional cemetery or goods and services. At that time, Keith T. was 86 years old and Betty T. was 81.

**2c.** On or about August 10, 2007, Respondent, Perlman and Diaz went to Keith T. and Betty T.'s home. During the sales meeting, the couple agreed to purchase two prearranged 'opening and closings' for the urn garden plots. According to Memory Gardens' price list in effect at that time, the cost for each opening and closing in that section was \$95.00. Therefore, the total price the couple should have paid for opening and closing the two plots should have been \$190.00.

**2d.** Keith T. and Betty T. were charged the amount of \$495.00 for each opening and closing for a total of \$990.00.

**2e.** In addition, though Stonemor's practice at that time was not to charge a processing fee on opening/closing-only sales or only charge the fee on purchases over \$500.00, Keith T. and Betty T. were also charged a \$75.00 processing fee, and therefore overpaid by \$875.00.

**2f.** Respondent and Diaz, under the supervision of Perlman, completed the prearrangement contract for this sale. Keith T. and Betty T. gave the men a check for \$1,065.00 at the sales meeting.

**2g.** After the sales meeting, Perlman submitted the contract and the check for \$1065.00 to the Memory Garden staff for processing. Respondent did not indicate a mistake had been made and did not attempt to stop processing of this inaccurately priced contract.

**3.**

**3a.** Respondent, therefore, engaged in fraudulent or dishonest conduct by overcharging for two opening/closings and by charging a processing fee, in violation of ORS 692.180(1)(b) and OAR 830-050-0050(9) which is cause for disciplinary action under ORS 692.180(1)(g).

**3b.** Respondent engaged in sales practices that concealed or misstated material facts in violation of OAR 830-030-0100(9) which is cause for disciplinary actions under ORS 692.180(1)(g); and Respondent made misrepresentations in the conduct of business which are violations of ORS 692.180(1)(a). See also OAR 441-930-0290(2), (3)

**4.**

Based on the foregoing paragraphs, Respondent failed to respect the dignity and rights of two clients, Keith T. and Betty T, regardless of age, which is a violation of OAR 830-030-0090(1)(h) and cause for disciplinary action under ORS 692.180(1)(g).

**5.**

The Board therefore proposes to initiate disciplinary action pursuant to ORS 692.180(1) and ORS 97.931.

**6.**

Definitions that may be relevant to this Notice are contained in ORS 97.923, ORS 692.010, and OAR 850-011-0000.

**NOTICE OF OPPORTUNITY FOR HEARING**

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 Oregon Mortuary & Cemetery Board (the "Board") at 800 NE Oregon Street, Suite 430, Portland, OR 97232, within 21 days from the date this notice was mailed. If a request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the time and place of the 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 21 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. 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 4th day of September, 2009

STATE MORTUARY AND CEMETERY BOARD

\_\_\_\_ <s> Lynne Nelson \_\_\_\_\_  
Designee: Lynne Nelson, Compliance Manager