

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

In the Matter of crematory operator, MICHAEL DOMANGUE Respondent	Final Order by Default CASE NOS. 08-1030C & 08-1050D
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On April 28, 2009, the Oregon Mortuary & Cemetery Board properly served notice on Michael D. Domangue that it intended to civilly penalize Domangue for violations of OAR 830-030-0090(1) and 830-030-0090(1)(i). The Notice offered Domangue an opportunity for a hearing if requested within 21 days from the date the notice was mailed. Domangue did not request a hearing within this 21-day period or otherwise. The Notice designated the Board's file on this matter as the record for purposes of default.

FINDINGS OF FACT

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, PCC employed Michael B. Domangue (hereafter "Respondent") and Emily J. Adair (hereafter "Adair") as crematory operators.
3. Prior to June 2, 2008 Respondent used his cellular camera-phone at PCC to photograph human remains in a cremation chamber during the cremation process.
4. Respondent showed this photograph to persons outside the death care industry, and electronically transmitted the photograph to Adair, who, on or about June 2, 2008, sent the photograph to a minor via email.
5. Neither Respondent nor Adair nor PCC had received, from a person with the right to control final disposition of the remains pursuant to ORS 97.130(1) and (2), an authorization to take, show or electronically transmit a photograph of the decedent.
6. By taking, showing and transmitting the photograph, Respondent failed to abide by the accepted minimum standards of the Death Care Industry in violation of OAR 830-030-0090(1) and failed to respect the dignity of remains in violation of OAR 830-030-0090(1)(i).

CONCLUSIONS of LAW

Respondent violated OAR 830-030-0090(1) and OAR 830-030-0090(1)(i) which is cause for disciplinary action including civil penalties of up to \$1000.00 per violation under ORS 692.180(1)(g).

ORDER

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Final Order by Default:

1. Michael D. Domangue is hereby civilly penalized \$500.00.
2. This Final Order shall become effective when signed by the Executive

Director of the Board.

DATED and ENTERED this __29th__ day of _____June_____, 2009.

<s> Michelle Gaines
Michelle Gaines, Executive Director
Oregon Mortuary & Cemetery Board

Date of Service: _____July 1, 2009_____

Notice: Civil penalty amounts are established in Oregon Revised Statutes 692.180. Interest will accrue in accordance with Oregon Laws 1991, chapter 734, section 2 and ORS 82.010. If unpaid, civil penalties may be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. If you have any question about payment, please call (971) 673-1503. Make checks payable to the Oregon Mortuary & Cemetery Board.

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of service of this order.