

BEFORE THE MORTUARY AND CEMETERY BOARD
OF THE STATE OF OREGON

In the Matter of the funeral service practitioner)	
and embalmer license of)	CONSENT ORDER
ANDREW E. ANDERSON,)	
LICENSEE)	CASE NO. 09-1024
)	

WHEREAS, the Oregon Mortuary and Cemetery Board (Board) issued a Notice of Proposed Disciplinary Action (Notice) on September 2, 2009, against the Licensee in Case No. 09-1024, which is incorporated by reference in this Consent Order; and

WHEREAS, the Licensee requested a hearing to contest the matters set forth in the Notice; and

WHEREAS, the Board and the Licensee are desirous of resolving and settling those matters set forth in the Notice of Proposed Disciplinary Action in Case No. 09-1024 without further proceedings thereon and this Consent Order constitutes the entire agreement of the parties and is a final order of the Board, the Board and Licensee agree to the following:

1. Licensee is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision in Case No. 09-1024 and hereby freely and voluntarily waives those rights;
2. Licensee hereby acknowledges that Licensee has read, understands, and agrees to the terms of this Consent Order;
3. Licensee is reprimanded for violating OAR 830-050-0050(3) and (9), ORS 692.180(1)(b), and ORS 692.180(1)(i) and upon the effective date of this Consent Order, the Licensee is placed on probation for at least twenty-four months, subject to the following conditions:
 - a. Licensee will comply with all laws and rules applicable to the death care industry.
 - b. Licensee will not manage or hold any supervisory position at a licensed facility, and while employed at a licensed facility, will work under supervision.
 - c. Licensee will notify the Board, in writing, anytime his employer or employers change.

- d. Licensee will provide a complete copy of this Consent Order to his current death care industry employer and to any other death care industry employer in Oregon that employs Licensee during the period of probation.
 - e. Licensee may not have independent responsibility for inventory of a decedent's possessions, and may not have any independent responsibility for handling client monies or other funds during the period of probation.
 - f. Licensee will provide Quarterly Reports from each employer regarding his conduct. Each Report must be received by the Board within ten days following the end of the quarter, and must include at a minimum:
 - i. The name and signature of Licensee's supervisor;
 - ii. Whether Licensee remains employed at this facility. If Licensee is no longer employed, the Report must provide the date Licensee was last employed and the reason for his departure;
 - iii. Whether Licensee had any independent responsibility for the inventory of a decedent's possessions or for client monies or other funds during the quarter; and
 - iv. Whether Licensee has received any discipline from the employer during the quarter. The Report must state the nature of the discipline and the reason for such discipline.
 - g. Licensee will provide documentation of successful completion of unsupervised court probation within ten days of the completion. If Licensee does not complete his probation, or if the probation is modified in any way, Licensee must notify the Board within ten days.
 - h. Licensee will not engage in any act of gambling, whether done in person, on the internet, or by other electronic means, regardless of whether such actions are legal. Gambling means staking or risking something of value on a game of chance or a future contingent event not under the person's control or influence upon the understanding that a person will receive something of value in the event of a certain outcome.
 - i. Licensee will complete or remain in gambling addiction treatment during the period of probation. Licensee shall submit quarterly reports from Licensee's treatment provider regarding his progress and the need for additional treatment. Licensee shall authorize his provider to communicate directly with the Board.
4. If at any time during the prescribed probationary period Licensee violates any provision of this Order, or any provision of ORS chapter 692 or OAR Chapter 830, the Board may revoke all licenses held by Licensee.
5. The Board shall determine satisfactory completion of the Licensee's probation based upon the treatment provider's letters, his employers' reports, criminal background checks and any other relevant information.

6. This Consent Order shall become effective when signed by the Executive Director of the Board.

DATED this 21 day of December, 2009.

OREGON STATE MORTUARY AND
CEMETERY BOARD

By: <s> Michelle Gaines
Michelle Gaines
Executive Director

It is so agreed.

 12/11/09
Date

 <s> Andrew E. Anderson
Licensee, Andrew E. Anderson