

State Mortuary and Cemetery Board

State of Oregon

In the Matter of the
funeral service practitioner and
embalmer license of
Andrew E. Anderson,

Respondent

Notice of Proposed Disciplinary
Action (License Revocation)

Case No. 09-1024

Pursuant to ORS 692.180(1) the Oregon Mortuary & Cemetery Board (“Board,” “OMCB) proposes to revoke the combination funeral service practitioner and embalmer license of Andrew E. Anderson (hereafter “Respondent”).

Grounds for Disciplinary Action:

1. On or about October 26, 1999 the Board issued funeral service practitioner apprentice and embalmer apprentice certificates to Respondent (OMCB License Nos. AF-1639 and AE-2883). On September 12, 2001, the Board issued a combination funeral service practitioner/embalmer license to Respondent (OMCB License No. CO-3739). In 2002, 2004, 2006 and 2008 Respondent renewed his combination license.
2. From at least October 1, 2004 through April 8, 2009, Respondent was employed at, and the manager of, a licensed funeral establishment doing business as Howell, Edwards, Doerksen with Rigdon-Ransom Funeral Directors (OMCB License Nos. FE-8470 and FE-8598). As manager of the facility, Respondent handled the finances, administrative responsibilities, and purchasing and ordering.
3. From approximately February 2008 through November 2008, Respondent engaged in dishonest and fraudulent conduct involving theft from the aforementioned funeral establishment owner and employer, Alderwoods (Oregon), Inc. an affiliate of Service Corporation International (SCI). By charging various expenses to his employer, Respondent

stole property including the installation of floor coating, garage cabinets, bark dust and a television set for use at his private residence in Salem. In addition, Respondent fraudulently wrote and cashed multiple expedite checks written to "JW Anderson," "J Anderson" and "Anderson's" in various amounts involving thousands of dollars. Salem Police investigated the thefts.

4. On June 10, 2009, Marion County Circuit Court filed case No. 09C44784 charging Respondent with violating ORS 164.057 (Aggravated Theft 1st Degree, Class B Felony) and ORS 164.055 (Theft 1st Degree, Class C Felony).

5. On June 16, 2009, Respondent was arraigned in Marion County Circuit Court on the above two charges.

6. On July 15, 2009, Respondent pled guilty to the Theft 1st Degree, Class C Felony.

7. On July 17, 2009, Marion County entered a conviction for ORS 164.055, Theft 1st Degree, Class C Felony and ultimately sentenced Respondent to 10 days jail, 24 months probation, 96 hours of community service, and unitary court assessment fee of \$107.00. The Class B Felony was dismissed.

8. The foregoing conduct and conviction involves facts and circumstances that have a demonstrable bearing upon the standards of the profession in violation of OAR 830-050-0050(3) and (9) which is cause for revocation of Respondent's funeral service practitioner and embalmer license under ORS 692.180(1)(g), and violations of ORS 692.180(1)(b) and ORS 692.180(1)(i).

9. The Board therefore proposes to revoke Respondent's combination funeral service practitioner and embalmer license.

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 21 days from the date this notice was mailed. The Board's address is 800 NE Oregon Street # 430, Portland OR 97232-2195. 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 Hearing Right and Procedures is enclosed with this Notice of Proposed Revocation of Preneed Salesperson Registration. If you do not request a hearing within 21 days, or if you withdraw a hearing request, notify the Board or administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default revoking your license. If the Board issues a final order by default, it designates its file on this matter as the record for purposes of a prima facie case.

DATED this 2nd day of September, 2009.

STATE MORTUARY AND CEMETERY BOARD

____<s> Lynne Nelson_____
Designee: Lynne Nelson, Compliance Manager