

## Notice of Proposed Disciplinary Action

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State Mortuary and Cemetery Board  
State of Oregon

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| <p>In the Matter of<br/><b>SCHAWNA TANNER,</b></p> <p style="text-align: center;"><b>RESPONDENT</b></p> | <p>Notice of Proposed Civil Penalties<br/>And<br/>Opportunity for a Hearing</p> <p><b>CASE NOS. 07-1048C; 08-1073C &amp;<br/>08-1075C</b></p> <p><b>AMENDED</b></p> |
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Pursuant to ORS 692.180(1), the Oregon Mortuary & Cemetery Board ("OMCB", "Board") proposes to impose civil penalties against you on the grounds noted below. For statutory and rule violations the Board may impose a civil penalty of up to \$1000 for each violation.

**Grounds for Disciplinary Action:**

**1.**

**1a.** At all times mentioned herein, Jerome Cox-Tanner was the owner of Cox & Cox Funeral Chapel, a funeral establishment in Portland (OMCB License No. FE-8582); and at all times mentioned herein, Jerome Cox-Tanner was the manager of Cox & Cox Funeral Chapel, and a licensed funeral service practitioner (OMCB License No. FS-0382).

**1b.** At all times mentioned herein, Schawna Tanner (hereafter "Respondent") was the spouse of Jerome Cox-Tanner, and Respondent worked at and represented the funeral establishment.

**1c.** At all times mentioned herein, except where specifically stated, Respondent was not a licensed funeral service practitioner or funeral service practitioner apprentice.

**2.**

**2a.** On or about April 12, 2005, Respondent was advised by the Board's staff that her funeral service practitioner apprenticeship certificate would soon expire and cautioned that if she met with families to arrange for final disposition, after her certificate expired, she would be considered practicing as a funeral service practitioner without a license.

**2b.** In a Final Order effective May 30, 2007, the Board imposed civil penalties of \$6,500.00 against Respondent for violations that included violations of ORS 692.025(1), OAR 830-030-0004(1).

**2c.** ORS 692.025(1) provides that an individual may not practice as a funeral service practitioner unless the individual is licensed as a funeral service practitioner under ORS 692.045. An individual practices as a funeral service practitioner if the individual for payment is engaged directly or indirectly in supervising or otherwise controlling the transportation, care, preparation, processing and handling of dead human bodies before the bodies undergo cremation, entombment or burial, or before the bodies are transported out of the State of Oregon.

**2d.** Further, OAR 830-030-0004(1) provides that only a funeral service practitioner or funeral service practitioner apprentice shall: (a) Work directly with at need persons to arrange for the disposition of human remains; and (b) Coordinate and direct the various tasks associated with performing funeral services for at need persons including but not limited to: taking all vital information on the deceased for the purpose of filing the death certificate; arranging for transportation of the remains; coordinating the services for final disposition; supervising or otherwise controlling the care, preparation, processing and handling of human remains.

**3.**

**3a.** From approximately October 1, 2007 through March 31, 2009 Respondent performed a task that only a licensed funeral service practitioner or funeral service practitioner apprentice may perform with respect to the disposition of at least one of the following *thirteen (13)*

decedents, as identified by the Oregon State identification numbers listed in paragraph 3b below.

**3b.** The Oregon State ID numbers of the foregoing decedents are: #490909; #430905; #430943; #430922; #430923; #430948; #447053; #447095; #447077; #447088; #404041; #544332; #544329; and #544323.

**3c.** Therefore, in at least one of the final disposition arrangements for the foregoing decedents, Tanner performed the duties of a funeral service practitioner or funeral service practitioner apprentice, without a license, in violation of OAR 830-030-0004(1) or ORS 692.025(1) which is grounds for a \$1,000 civil penalty under ORS 692.180(1)(g) for each violation.

**4.**

Definitions that may be relevant to this notice are contained in ORS 692.010, and OAR 830-011-0000.

**Rights and Procedures**

**Respondent is entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and ORS 692.265(1). If Respondent wants a hearing, Respondent 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. If a request for hearing is not received within this 21-day period, Respondent's right to a hearing shall be considered waived. Hearing requests may be mailed to State Office Building, 800 NE Oregon St., Suite 430, Portland, Oregon 97232-2195.**

**If Respondent requests a hearing, Respondent will be notified of the time and place of the hearing. Respondent has the right to be represented by legal counsel at a hearing. A Notice of Contested Case Rights and Procedures is enclosed with this Notice of Proposed Disciplinary Action. If Respondent does not request a hearing within 21**

days, or if Respondent withdraws a hearing request, notifies the Board or hearing officer that Respondent will not appear or fails to appear at a scheduled hearing, the Board may issue a final order imposing discipline as determined by the Board. 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 \_\_16th\_\_ day of July, 2010.

STATE MORTUARY AND CEMETERY BOARD

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