

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

In the Matter of the Cemetery Authority license of The Portland Memorial, Inc. dba The Portland Memorial Mausoleum,  <p style="text-align: center;"><b>RESPONDENT</b></p>	Notice of Proposed Disciplinary Action and Opportunity for a Hearing  <p style="text-align: center;"><b>CASE NO. 05-1039</b></p>
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Pursuant to ORS 692.180, 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 suspension or revocation; civil penalty of up to \$1000 for each violation; or other sanctions as authorized by law.

**Grounds for Disciplinary Action:**

**1.**

At all times mentioned herein Respondent was licensed by the Oregon Mortuary and Cemetery Board as a cemetery (OMCB License No. CE-0631).

**2.**

**2a.** On or about June 19, 1996, J. and A. Alford, purchased interment rights for two crypts at Respondent mausoleum: Jefferson J East South 2 Tier 4 Crypts 4 & 5.

**2b.** On or about July 17, 2003 the remains of another person, H. Walker, were entombed in space Jefferson J East South 2 Tier 4 Crypt 5.

**2c.** J. and A. Alford did not give Respondent permission to entomb the remains of H. Walker in space Jefferson J East South 2 Tier 4 Crypt 5.

**2d.** The foregoing unauthorized entombment of remains without the written authorization by the owner of such space is a violation of OAR 830-030-0100(5) which is cause for disciplinary action under OAR 830-030-0100(19) and ORS 692.180(1)(g).

**3.**

**3a.** Respondent's permanent records contained the following inaccuracies which involve the interment rights of Jefferson J East South 2 Tier 4 Crypts 4 & 5.

**I.** The document entitled "Purchase Card" for Day/Walker shows J. Day purchased Crypts 4 & 5 in Jefferson J East South 1 for himself and H. Walker, yet Jefferson J East South 1 contains only Crypts 1 & 2.

**II.** The document entitled "Interment Card" for H. Walker states the remains of H. Walker were entombed in Jefferson East J, Section South 1, when in fact her remains are entombed in Jefferson East J South 2.

**III.** The document entitled "Work Order" for H. Walker records the location of interment of the remains of H. Walker as Jefferson J/East, S1 T-4 V-4, when in fact Walker's remains are interred in Jefferson J East South 2 Tier 4 Crypt 5.

**IV.** The Contract for Immediate Delivery dated July 17, 2003, to purchaser J. Day describe burial rights for Jefferson H/E North 2 Tier 1 Vault 1, yet the Interment Authorization written the same day states a conflicting location: Jefferson J/E, S/1, T-4, V-4 & 5.

**V.** The documents entitled "Future Card" for Day/Walker show the purchase of interment rights for Jefferson H East, South 2, T-1, V-8, was exchanged for Jefferson J East South 1 T-4 and V-4 & 5. The section in Jefferson J East South 1 does not contain Vault numbers 4 and 5. In addition, notes on the cards state; "Future Cards may still need to be changed" and "(Original contract missing. See file for copy of paperwork...Paperwork subsequently lost.)."

**3b.** The foregoing five specifications of failure to maintain detailed and accurate records are violations of OAR 830-030-0090(2)(b)(A) and OAR 830-040-0000(6) which are cause for disciplinary action under ORS 692.180(1)(g).

**4.** Definitions that may be relevant to this notice are contained in ORS 692.010 and OAR 830-030-0000(25) and (26).

**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 20 days from the date

this notice was mailed. If a request for hearing is not received within this 20-day period, your right to a hearing shall be considered waived. Hearing requests may be mailed to State Office Building, Box 19, 800 NE Oregon St., Suite 430, Portland, Oregon 97232-2195.

If you request a hearing, you will be notified of the time and place of the hearing. You must 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 you do not request a hearing within 20 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 as imposed 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 \_\_19th\_\_ day of January, 2007

STATE MORTUARY AND CEMETERY BOARD

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