

1 **Part One: Relevant Parties**

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3 1. Respondent **SUNSET HILLS, LLC** operates a cemetery located at 4810 S.
4 Willamette Street, Eugene, Oregon 97405 known as "Sunset Hills Memorial Gardens."

5 2. "Sunset Hills Memorial Gardens" was owned by Carriage Services, Inc, 1900 Saint
6 James Place, Houston, Texas 77056 from March 30, 1999 until October 11, 2001, when it was
7 sold to Respondent **SUNSET HILLS, LLC**.

8 3. Respondent **SUNSET HILLS, LLC's** managing member is Linda Hea-Poole. Ms.
9 Poole is registered as the "President" of "Sunset Hills, LLC" with the Oregon Mortuary and
10 Cemetery Board. Ms. Poole, who has no prior experience as a cemetery owner, is assisted in the
11 operation of Sunset Hills Memorial Gardens by her husband Pat Poole, a former employee of
12 Carriage Services, Inc with significant background in the funeral industry. The Pooles reside in
13 the state of Texas.

14 4. Respondent **SUNSET HILLS, LLC** has employed individuals located at the
15 cemetery facility to manage or assist in the management of its cemetery, including Winnifred
16 Kihns Tinsley, Floyd Tinsley, Sheila Larson, Dennis Baker, and Cynthia Byford. The conduct of
17 individuals employed by a "certified provider" is, pursuant to ORS 97.933 (5) and OAR 440-
18 300-0280, the direct responsibility of the "certified provider."

19
20 **Part Two: Certification and Examinations**

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22 5. The Division of Finance and Corporate Securities is charged by statute (ORS 97.923
23 to ORS 97.949) and administrative rule (OAR 440-300-0010 to OAR 440-300-0350) with
24 regulating providers of prearrangement (also known as "pre-need") funeral sales. A
25 prearrangement sale is a sale that has as its purpose the furnishing of funeral and/or cemetery
26 merchandise or services for use at a time determinable by the death of a person where the sale



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1 terms require payment to be made at a currently determinable time. A properly certified provider
2 of these services is known as a "certified provider."

3 6. Only providers "certified" by the Division of Finance and Corporate Securities may
4 lawfully engage in prearrangement sales in this State. The legislative mandate behind the
5 certification scheme is to "*assure funds for performance*" (ORS 97.925, emphasis added) for
6 those purchasers who contract for funeral and cemetery merchandise and/or services to be
7 performed at a future date.

8 7. Respondent **SUNSET HILLS, LLC** submitted an application for Order of
9 Certification, Prearrangement Plans, with the Division of Finance and Corporate Securities on
10 June 21, 2002. The application was submitted by Linda Lucas Hea-Poole as President. Linda and
11 Pat Poole conducted an on site inspection of the cemetery's facilities and books and records prior
12 to their purchase of Sunset Hills Memorial Gardens and their subsequent application for an Order
13 of Certification with the Division.

14 8. The Division of Finance and Corporate Securities issued an Order of Certification,
15 Prearrangement Plans to Respondent **SUNSET HILLS, LLC** on July 23, 2002. This Order
16 remains in effect until surrendered by the Respondent or revoked or suspended by the Director.

17 9. Every "certified provider" is obligated by statute and administrative rule to engage in
18 a number of practices with respect to the closely regulated "pre-need" sales arena including, but
19 not limited to, **proper trust account administration** (maintenance of a pre-need trust account at
20 a financial institution in the certified provider's name; deposit of ninety percent of funds received
21 from any pre-need sale into said trust account within five business days of receipt of said funds;
22 withdrawal from said trust account exclusively by following specific, statutorily mandated
23 procedures; withdrawal of funds from the trust account exclusively for specific funeral services
24 and/or merchandise provided to pre-need beneficiaries and not for general cemetery operating
25 funds), **proper record keeping and reporting** (file annual reports with the Division by April 1
26 of each calendar year; file annual audited financial statements consistent with generally accepted

1 audit procedures and prepared by a Certified Public Accountant with the Division by April 1 of
2 each calendar year in the event that, as in the case at bar, a "master trustee" approved by the
3 Division is not appointed by the provider; maintain complete and accurate records listing the
4 name of every pre-need purchaser, the name of the beneficiary, the date upon which each
5 payment from a purchaser is received, the amount of each such payment, the date of deposit of
6 said funds into the pre-need trust account, and the allocation of trust account earnings (interest)
7 to each pre-need contract; retain said records for a period of three years; keep a written
8 procedures manual on site), **proper professional conduct of pre-need business** (refrain from
9 engaging in "unprofessional conduct" as defined by OAR 440-300-0290), and **employ pre-need**
10 **contracts consistent with Oregon law.**

11 10. The Division of Finance and Corporate Securities is authorized by statute to conduct
12 examinations of "certified providers", issue reports regarding those examinations, and require
13 the production of records and documents to determine compliance with the certified provider's
14 statutory duties.

15 11. C. Gail Smith, Financial Examiner, Division of Finance and Corporate Securities,
16 conducted an examination of Respondent **SUNSET HILLS, LLC** on December 11, 2002 at the
17 cemetery address of 4810 S. Willamette Street, Eugene, Oregon 97405. In a February 6, 2003
18 letter to Ms. Poole, Examiner Smith requested documentation providing the specific basis for
19 Respondent **SUNSET HILLS, LLC's** disbursements from its pre-need trust account of, inter
20 alia, \$11,123.35 in August, 2002 and \$152,324.26 in September, 2002. (Despite a February 26,
21 2003 meeting with Examiner Smith; Manager, Non Depository Programs Section, Dale Laswell;
22 Linda Hea-Poole; and Pat Poole at which the Pooles were advised of the Division's specific
23 regulatory concerns said information has still not been provided to the Division.) The December
24 11, 2002 examination was continued to March 5, 2003. Results of said examination were
25 provided to Respondent in writing on August 26, 2003.
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1 Division's first examination of Respondent **SUNSET HILLS, LLC** payments made by
2 purchasers on their pre-need contracts were regularly deposited into these Bank of America
3 "operating" accounts and not into the Wells Fargo pre-need trust account. Furthermore, funds so
4 deposited were, inter alia, employed for general cemetery operating purposes and not held in
5 trust for the benefit of specific pre need purchasers. (On at least one occasion cash payments
6 made by pre-need purchasers were used by cemetery employees as "petty cash" without being
7 deposited into *any* bank account.) As such, said funds were not deposited into a pre-need trust
8 account *within five business days* and were not *withdrawn in accordance with procedures*
9 *established by statute*. Respondent **SUNSET HILLS, LLC** has not produced records to the
10 Division identifying the names of the purchasers that made payments that were deposited into the
11 Bank of America accounts, the names of the beneficiaries involved, the amounts of the deposits,
12 the dates of receipt of the moneys by Respondent, or the allocation of earnings from said
13 moneys. (In a September 24, 2003 letter Respondent claimed that "the trust fund monies (sic)
14 have been replaced and been deposited into the Wells Fargo pre-need trust account." However,
15 Respondent has not provided the Division with proof that any money so deposited did not
16 emanate from payments made by different purchasers.)

17 16. After purchasing the cemetery, Pat and/or Linda Poole charged then cemetery
18 manager Winnifred Kihs Tinsley with the task of reviewing the books and records of Sunset
19 Hills Memorial Gardens to ascertain whether funeral services and/or merchandise had been
20 provided to pre-need beneficiaries for which moneys had been trusted but not released from trust
21 and, if so, to request said funds from Wells Fargo. As a result, Ms. Kihs Tinsley filed requests
22 for disbursements with Wells Fargo on December 18, 2001, February 5, 2002, and March 11,
23 2002. Of import, *each of these requests included documentation in the form of either a death*
24 *certificate or interment order for every beneficiary for which services and/or merchandise had*
25 *been provided*. Pat and Linda Poole were aware of the contents of each of these submissions.

26

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1 17. In September, 2002, some six months after Respondent **SUNSET HILLS, LLC**
2 terminated the employment of Winnifred Kihs Tinsley, Pat Poole made a written request for
3 disbursement from the Wells Fargo pre-need trust account on behalf of Respondent **SUNSET**
4 **HILLS, LLC** in the amount of **\$151,152.52**. Pre-need trust withdrawal requests must, pursuant
5 to ORS 97.943, be accompanied by an affidavit of the certified provider that affirms that the
6 provider has performed all services and provided all merchandise required under the
7 prearrangement sales contract and include either a (1) certified death certificate of the
8 beneficiary or (2) an affidavit signed by at least one member of the beneficiary's family or the
9 executor of the beneficiary's estate (interment order). The September, 2002 request from Mr.
10 Poole did not contain a single death certificate or executor's affidavit (interment order) despite
11 the large monetary amount of the withdrawal.

12 18. As part of the September, 2002 disbursement request, Respondent **SUNSET HILLS,**
13 **LLC** withdrew from the Wells Fargo trust account sums of money that were purportedly for
14 services and merchandise provided by Sunset Hills on behalf of specific beneficiaries. (The
15 withdrawal request stated that it was for merchandise "that has been delivered but has not been
16 withdrawn from the trust.") In point of fact, Sunset Hills, LLC had previously submitted
17 withdrawal requests with death certificates *for the same beneficiaries* on December 18, 2001,
18 February 5, 2002, March 11, 2002, and August 13, 2002 and had already received these funds,
19 thus engaging in "double dipping." Specifically, the sum of **\$42,715.88** was disbursed in
20 September, 2002 that had previously been disbursed for the following beneficiaries: *Arthur*
21 *Bender, Florence Best, Blythe Buffington, Hilda Burton, Vadette Deisner, Ethel Foltz, Jackie*
22 *Foster, Patricia Kaehn, Phillip Kasow, Dennis Kaufman, Leonard Robertson, Erma Smoke,*
23 *Eunice Dewees, Donald Gilmore, Pauline Harris, Delores Holloway, Elsie Jordan, Ordell*
24 *Regeth, Raymond Hendrickson, Vena Drury, Mary Polk, James Bouee, Louise Neff, David Lean,*
25 *Lola Rehfeld, Olivia Brown, Gina McNaughton, Peter Maas, Elsie Robertson, Wilford Brooksby,*
26 *Albert Colvert, James Glover, John Kaufman, Eugene Barnes, Joseph Grentham, Norman Imus,*

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1 *Lowell Head, Milford Carr, Laurena Brown, Melvin Moorehead, and Robert Sheriffs*. These
2 funds will be needed by the trust to provide services and/or merchandise to future beneficiaries
3 that die.

4 19. As part of the sale of pre-need contracts the previous owners of the cemetery had
5 sold so called "travel protection plan" insurance policies in association with pre-need contracts.
6 Such policies provide for transportation of the deceased and related services in the event a pre-
7 need contract beneficiary passed away more than a certain distance from their home community.
8 Funds for the sale of these insurance policies were not required to be placed in trust accounts,
9 and none of the previous owners of Sunset Hills Memorial Gardens deposited said amounts in
10 the Wells Fargo trust account. However, Respondent **SUNSET HILLS, LLC** withdrew moneys
11 from the Wells Fargo pre-need trust account, citing authorization to withdraw "travel protection
12 plan" funds that were, *in point of fact, never deposited into the trust account by any person or*
13 *entity*. (The withdrawal request stated that it was for merchandise "that has been delivered but
14 has not been withdrawn from the trust.") In point of fact, Respondent withdrew the sum of
15 **\$7,966.00** from trust for the travel protection funds of the following beneficiaries [those with
16 asterisks were either alive on the date of the disbursement request or, alternatively, lacked any
17 proof of death in their files as of the date of the disbursement request]: *Violet Baker, Reid*
18 *Bowers**, *Olin Byerly, James Creith, Ronald Dykes, Barbara Glover**, *Joseph Grantham,*
19 *Jeannie Jensen**, *Dennis Johnson, Diane Mogsted, Joe Rathsack, Joan Robbins-Faris, Gary*
20 *Schoonover**, *Gilbert Shaw, Frank Tannehill, and Oscar Valdez*. These funds will be needed by
21 the trust to provide services and/or merchandise to future beneficiaries that die.

22 20. As part of the September, 2002 disbursement request, Respondent **SUNSET HILLS,**
23 **LLC** withdrew from the Wells Fargo trust account sums of money that were purportedly for
24 "fees" charged by Sunset Hills to pre-need purchasers. (The withdrawal request stated that it was
25 for merchandise "that has been delivered but has not been withdrawn from the trust.") With some
26 limited exceptions, industry practice is not to place "fees" in trust. Of greater import, fees would

1 only be able to be disbursed from trust if the service the fee was associated with had been
2 provided and *the amount of the fee had initially been placed in the pre-need trust account.*
3 Respondent **SUNSET HILLS, LLC** withdrew **\$11,957.78** for “processing fee”, “marker
4 installation fee”, or “miscellaneous services” on behalf of the following beneficiaries [those with
5 asterisks were either alive on the date of the disbursement request or, alternatively, lacked any
6 proof of death in their files as of the date of the disbursement request]: *Julia Alexander, Mike
7 Astley, Violet Baker, William Baker, Rufus Barerra, Eugene Barnes, Charles Berg*, Carol
8 Bellemey, Florence Best, Juanita Bishop, Dorothy Blanchard, James Bovee, Reid Bowers*, Allen
9 Bryant, Blythe Buffington, Hilda Burton, Milford Carr, Earl Chism, Albert Colvert, Harry Cool,
10 Hazel Costello, Grant Coster, Laura Coutts, John Crandell, James Creith, Jr, Mertie Crouse,
11 Wayne Crumpacker, Vadette Deisner, Bill Diess, Gregor Diseth, Robert Dougherty, Baron
12 Dowdy, Marjorie Dumolt, Ronald Dykes, David Earl, Robert Faught*, Robert Fournier, Peggy
13 Foy, Nolan Fugitt, Eugene Gillard, Helen Gilmore, Barbara Glover*, Kathy Godsey, Joseph
14 Granthan, Charles Gross, Glenna Hall, Gary Hanel, Heloise Hanes, Arthur Hansen, Frec
15 Hemken, Raymond Hendrickson, Herbert Herzberg, Rosemary Hiebeckuk, Delores Holloway,
16 Betty Iverson*, Dorothy Jacobson, Homer Jamison, Jeannie Jensen*, Elsie Jordan, Patricia
17 Kaehn, Philip Kasow, Dennis Kaufman, Edna Kehl, Daniel Kent, Byron King*, Joanne
18 Klopfenstein, Ronald Lago*, Nick Landreth, Ethel Learn*, Kris Leonard*, Amy Lovett, Richard
19 Manning, Billie Mansell*, Mary Marx, Wallace McMahon, Edith McBeth, Gordon Mereseth,
20 Duane Mogstad, Ruth Moore, Ervin Neff, Helen Neves, Margaret Nunez, Margueritte Olsen,
21 Morris Osterhoff, Werner Ostermann, Albert Owens, Calvin Palmer, Felix Pate, E. Louis
22 Pennington, Robert Pfeiffer, Floyd Phillips, Mike Prodan, Gwendolyn Rapp*, Joe Rathstack,
23 Ordell Regeth, Laurabelle Rice, Ellaerita Rizner, Leith Robertson, Marvin Robins, Joan Robins-
24 Farris, Denver Robinson, BJ Rogers, Barbara Sherlock, Willma Stoddard*, Eugene Stolt, Lillian
25 Stoops, Gary Stout*, Elmer Surdam, Phyrnette Suter, Garrel Roseberry, Agnes Rouse, Myrtle
26 Sagen, Robert Scheel, Gary Schoonover*, Violet Senn, Roy Severin, Gilbert Shaw, Frank*

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1 *Tannehill, David Tanton, Cecil Thompson, Cesar Valdez*, Francis Walker, Gary Walker,*
2 *Marian Warberg, Lillian Whalin, Patricia White, Carrell Wilson, Jean Wilson*, and Beverly*
3 *Wymer.* These funds will be needed by the trust to provide services and/or merchandise to future
4 beneficiaries that die.

5 21. As part of the September, 2002 disbursement request, Respondent **SUNSET HILLS,**
6 **LLC** withdrew from the Wells Fargo trust account sums of money that were purportedly for
7 services and merchandise provided by Sunset Hills on behalf of specific deceased beneficiaries.
8 (The withdrawal request stated that it was for services and merchandise “that has been delivered
9 but has not been withdrawn from the trust.”) In point of fact, some of these beneficiaries for
10 which funds were withdrawn were still alive and well at the time of disbursement and in many
11 cases making monthly payments on their pre-need contracts or, in the alternative, Respondent
12 **SUNSET HILLS, LLC** has not provided the Director with any proof of death for these
13 beneficiaries. Specifically, funds in the amount of **\$8,918.70** were disbursed from trust from
14 those that were either alive on the date of the disbursement request or, alternatively, lacked any
15 proof of death in their files as of the date of the disbursement request *for alleged purposes other*
16 *than “travel protection plan” funds or “fees”:* *Betty Lou Diller, Betty Iverson, Wilma Stoddard,*
17 *Gary Stout, M. Jean Wilson, Barbara Glover, Ethel Learn, and Mary McNaughton.* These funds
18 will be needed by the trust to provide services and/or merchandise to future beneficiaries that die.

19 22. In sum, of the **\$151,152.52** Respondent **SUNSET HILLS, LLC** withdrew from its
20 pre-need trust account in September, 2002 the amount of **\$71,558.36** was improperly and
21 unlawfully withdrawn. (As to the remaining \$79,594.16 of the September, 2002 disbursement,
22 Respondent **SUNSET HILLS, LLC** has not provided the Director with information from which
23 she can determine whether withdrawals from trust were proper.)

24 23. Respondent **SUNSET HILLS, LLC** failed to deposit funds from purchasers making
25 payments on pre-need contracts in the Wells Fargo trust account *within five business days* of
26 receipt of these moneys as required by statute. Upon receipt of funds from purchasers Sunset



1 Hills managers initially deposited moneys in one of the Bank of America accounts or, on
2 information and belief, occasionally used cash payments for so called "petty cash" purposes.
3 Once the Bank of America accounts were closed by Respondent **SUNSET HILLS, LLC**, money
4 received from purchasers was sent (via Fed Ex Two Day Delivery) to Linda Hea-Poole in Texas
5 at her direction. Linda Poole, upon information and belief, did not deposit them into the Wells
6 Fargo trust account within five business days.

7
8 **Part Four: Recordkeeping and Reporting**
9

10 24. Respondent **SUNSET HILLS, LLC** was required to file an "annual prearrangement
11 report" with the Division of Finance and Corporate Securities on April 1, 2003. Said report was
12 filed on April 20, 2003. On April 29, 2003 Respondent's agent for the preparation of the annual
13 "prearrangement certified provider" report stated in writing that "in the future, we will have
14 these reports postmarked by the due dates." On September 24, 2003, Linda Hea-Poole
15 represented in writing that all future reports would be filed in a timely fashion.

16 25. Respondent **SUNSET HILLS, LLC** was required to file an "annual prearrangement
17 report" with the Division of Finance and Corporate Securities on April 1, 2004. Said report was
18 filed on May 25, 2004, nearly two months late.

19 26. In the event that a certified provider has chosen, as Respondent **SUNSET HILLS,**
20 **LLC** has, to not appoint a registered "master trustee" as defined by ORS 97.923 (9) the certified
21 provider must file annual audited financial statements consistent with generally accepted audit
22 principles and prepared by a Certified Public Accountant with the Division. This requirement is
23 one of the key methods by which the Division can determine whether statutory requirements are
24 being complied with. Said audited financial statements were due for calendar year 2002 on April
25 1, 2003 and *have never been provided to the Division*. Furthermore, audited financial statements
26 were due for calendar year 2003 on April 1, 2004 and *have never been provided to the Division*.

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1 **30.** Respondent **SUNSET HILLS, LLC** is required to maintain certain minimal
2 standards in its operations such that its management of its business does not constitute
3 “unprofessional conduct” as defined by ORS 97.933 and OAR 440-300-0290.

4 **31.** Respondent **SUNSET HILLS, LLC** failed to make and verify trust deposits in the
5 amounts and within the time periods specified by statute, an act that constitutes “unprofessional
6 conduct.”

7 **32.** Respondent **SUNSET HILLS, LLC** withdrew money from a trust account in excess
8 of what is permitted by statute, an act that constitutes “unprofessional conduct.”

9 **33.** Respondent **SUNSET HILLS, LLC** failed to comply with annual reporting
10 requirements imposed by statute, an act that constitutes “unprofessional conduct.”

11 **34.** Respondent **SUNSET HILLS, LLC** used trust funds for non trust purposes, an act
12 that constitutes “unprofessional conduct.”

13
14 **Part Six: Employment of Unlawful Prearrangement Sales Contract**

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16 **35.** Respondent **SUNSET HILLS, LLC** employed a contract to sell pre-need services to
17 at least one consumer that was inconsistent with Oregon law. Specifically, Respondent’s
18 prearrangement sales contract stated that “it is mutually agreed that this contract cannot be
19 cancelled by purchaser after the third business day for any reason, except by breach of contract”
20 when ORS 97.943 (8) states that “at any time prior to the death of the beneficiary the purchaser
21 may cancel the contract and receive a 100 percent refund.”

22
23 **CONCLUSIONS OF LAW**

24
25 The Director **CONCLUDES** that:





1 36. Respondent **SUNSET HILLS, LLC** was a “certified provider” of prearrangement
2 sales contracts as defined in ORS 97.923 (2).

3 37. Respondent **SUNSET HILLS, LLC** offered and sold “prearrangement sales
4 contracts” as defined in ORS 97.923 (12).

5 38. Respondent **SUNSET HILLS, LLC** failed to maintain a “pre arrangement funeral
6 plan trust account” in its own name, in violation of ORS 97.941 (4)

7 39. Respondent **SUNSET HILLS, LLC** failed to place moneys paid by purchasers on
8 prearrangement contracts in trust within five business days, in violation of ORS 97.941 (2).

9 40. Respondent **SUNSET HILLS, LLC** failed to place ninety percent of all moneys paid
10 by purchasers of prearrangement contracts in trust and instead used some of those funds for
11 cemetery operating purposes, in violation of ORS 97.941 and OAR 440-300-0290 (8).

12 41. Respondent **SUNSET HILLS, LLC** failed to use proper statutory procedures to
13 withdraw funds from trust, in violation of ORS 97.943 (2).

14 42. Respondent **SUNSET HILLS, LLC** withdrew moneys from trust that had never been
15 deposited into trust, in violation of ORS 97.943 and OAR 440-300-0290 (5).

16 43. Respondent **SUNSET HILLS, LLC** withdrew moneys from trust that it was not
17 entitled to, in violation of ORS 97.943 and OAR 440-300-0290 (5).

18 44. Respondent **SUNSET HILLS, LLC** failed to file timely annual certified provider
19 reports with the Director, in violation of ORS 97.933 (3) (a) and OAR 440-300-0250.

20 45. Respondent **SUNSET HILLS, LLC** failed to file audited financial statements for
21 calendar year 2002, in violation of ORS 97.941 (12) and OAR 400-300-0250 (3).

22 46. Respondent **SUNSET HILLS, LLC** failed to file audited financial statements for
23 calendar year 2003, in violation of ORS ORS 97.941 (12) and OAR 400-300-0250 (3).

24 47. Respondent **SUNSET HILLS, LLC** failed to keep complete and accurate records of
25 the name of each pre-need contract purchaser, the name of each beneficiary, the date of the
26 contract, the date upon which each payment from a purchaser is received, the date of each

1 deposit into the trust account, the amount of each deposit, and the allocation of earnings and
2 interest to each account, in violation of ORS 97.941 (4).

3 48. Respondent **SUNSET HILLS, LLC** failed to keep records for a three year period, in
4 violation of OAR 440-300-0330.

5 49. Respondent **SUNSET HILLS, LLC** failed to keep an onsite operations and
6 procedures manual, in violation of OAR 440-300-0280 (2).

7 50. Respondent **SUNSET HILLS, LLC** employed a pre-need contract whose terms
8 violated Oregon law, in violation of ORS 97.943 (8).

9 51. Respondent **SUNSET HILLS, LLC** has violated one or more of the conditions
10 sufficient to impose the penalty of revocation of certification as described in OAR 440-300-
11 0310.

12 **ORDER**

13
14 Therefore, the Director **ORDERS**

15 52. That the Certification of Respondent **SUNSET HILLS, LLC** is, pursuant to ORS
16 97.948, hereby **REVOKED**.

17 53. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **TWO**
18 **THOUSAND FIVE HUNDRED DOLLARS** (\$2,500.00) as a civil penalty for violations of
19 ORS 97.941 (4) described in paragraph thirty eight (38) herein.

20 54. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **FIVE**
21 **THOUSAND DOLLARS** (\$5,000.00) as a civil penalty for violations of ORS 97.941 (2)
22 described in paragraph thirty nine (39) herein.

23 55. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **FIVE**
24 **THOUSAND DOLLARS** (\$5,000.00) as a civil penalty for violations of ORS 97.941 and
25 OAR 440-300-0290 (8) described in paragraph forty (40) herein.

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1 56. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **TEN**
2 **THOUSAND DOLLARS** (\$10,000.00) as a civil penalty for violations of ORS 97.943 (2)
3 described in paragraph forty one (41) herein.

4 57. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **TEN**
5 **THOUSAND DOLLARS** (\$10,000.00) as a civil penalty for violations of ORS 97.943 and
6 OAR 440-300-0290 (5) described in paragraph forty two (42) herein.

7 58. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **TEN**
8 **THOUSAND DOLLARS** (\$10,000.00) as a civil penalty for violations of ORS 97.943 and
9 OAR 440-300-0290 (5) described in paragraph forty three (43) herein.

10 59. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **FIVE**
11 **THOUSAND DOLLARS** (\$5,000.00) as a civil penalty for violations of ORS 97.933 (3) (a)
12 and OAR 440-300-0250 described in paragraph forty four (44) herein.

13 60. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **FIVE**
14 **THOUSAND DOLLARS** (\$5,000.00) as a civil penalty for violations of ORS 97.941 (12) and
15 OAR 400-300-0250 (3) described in paragraph forty five (45) herein.

16 61. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **FIVE**
17 **THOUSAND DOLLARS** (\$5,000.00) as a civil penalty for violations of ORS 97.941 (12) and
18 OAR 400-300-0250 (3) described in paragraph forty six (46) herein.

19 62. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **FIVE**
20 **THOUSAND DOLLARS** (\$5,000.00) as a civil penalty for violations of ORS 97.941 (4)
21 described in paragraph forty seven (47) herein.

22 63. That Respondent **SUNSET HILLS, LLC** is ordered to pay the sum of **TWO**
23 **THOUSAND FIVE HUNDRED DOLLARS** (\$2,500.00) as a civil penalty for violations of
24 OAR 400-300-0330 described in paragraph forty eight (48) herein.

25

26

