

## northwest

# Enforcing Equality

Funeral home fails to recognize domestic partnership

by Jennifer Furniss

In the hour of need, at the death of a loved one, the slap of discrimination stings all the worse. That's how Krista Hornish and her father, Al, felt when they tried to make arrangements with Hustad Funeral Home for her partner, Randilyn Dean, but were refused because they were a same-sex couple.

"It made me feel so disenfranchised and disrespected," said Krista. "I was really thankful I had my dad there."

Dean, a celebrated firefighter with Tualatin Valley Fire & Rescue, died of breast cancer Sept. 10 at home with Krista by her side. They had been registered domestic partners since February. An hour after Dean's death, Al called Hustad Funeral Home, chosen for its close proximity to the St. Johns neighborhood where Krista and Dean lived. According to Al, as soon as he and owner John Hustad started talking, Hustad asked for the names of Dean's parents several times.

"I told him it was immaterial," said Al. "I told him that Randi and my daughter had a legal partnership."

According to Al, Hustad misinformed him that Oregon does not recognize domestic partnerships. The conversation grew more and more heated, until Al hung up on Hustad.

"He never even said, 'Hey, maybe my infor-

mation is incorrect,'" said Al. "I don't know if it was discrimination or ignorance or a combination of both, but there's no place in the funeral home business for people like John Hustad."

Al wrote a letter filing a formal complaint with the Oregon Mortuary and Cemetery Board, also sending it to Hustad. Hustad would not comment on the incident to *Just Out*.

Michelle Gaines, executive director of the Oregon Mortuary and Cemetery Board, said the board is not permitted to comment on whether it is investigating a funeral service practitioner, but it is required by law to investigate all complaints. The board has the power to revoke a license or levy a civil penalty of up to \$1,000 an incident. If the board levies penalties against a funeral service practitioner, that information becomes public record.

The Oregon Mortuary and Cemetery Board sent a memo about domestic partnerships to its staff and to the Oregon Funeral Directors Association in March to ensure that practitioners acted in accordance with the new law.

"Obviously there are still disconnects, so we'll make sure to get the word out again," said Gaines. One of her goals, and the goals of the board's Affirmative Action Plan for 2009-2011, is to raise cultural awareness about diversity, including

sexual orientation, within the industry.

According to Gaines, funeral service practitioners are required to follow a specific procedure to establish who has the legal right to make the final disposition of remains. A spouse is legally the first in line to make funeral arrangements, followed by a child older than 18 and then a parent. The new law places registered domestic partners in the spouse category, giving Krista the right to make funeral arrangements for her partner before Dean's parents. And Al could legally make the phone call for his daughter.

"It's not uncommon or unreasonable for someone else to make the initial call," said Gaines.

She encourages people to research their options. For instance, according to Chapter 97 of the Oregon Revised Statutes, even if a couple choose not to register as domestic partners, they can still assign disposition rights to each other by completing an appointment form. (Creating a will is not enough.)

After Al's conversation with Hustad on the night of Dean's death, he made funeral arrangements through Springer and Son Aloha Funeral



Hustad Funeral Home lost business for failing to recognize a domestic partnership.

Home and Crematory, where he, Krista and his wife were treated with the respect befitting a grieving family.

"I don't want anyone else to be treated the way I was treated," said Krista. "I want to get the word out so people are aware that in the state of Oregon, domestic partners have the right to make decisions for their partners."

Krista hopes the board takes disciplinary action against Hustad "because they would do it if someone refused an African-American person or any other minority. It shouldn't be any different. Plus, they broke the law, and when you break the law, there should be consequences. I hope not only gay people avoid his business but other people who support equal rights." 10

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