

IN THE MATTER OF
ANDRE THOMPSON
License Applicant

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BEFORE THE
MARYLAND STATE BOARD
OF MORTICIANS AND
FUNERAL DIRECTORS

**CONSENT ORDER GRANTING APPLICATION
FOR MORTICIAN LICENSE/ORDER OF PROBATION**

On or about September 24, 2014, Andre Thompson (the "Applicant") submitted an "Application for Mortician License via Waiver of Apprenticeship Requirements" (the "Application") to the Maryland State Board of Morticians and Funeral Directors (the "Board"). Concurrent to the submission of the Application, the Applicant disclosed to the Board that he had been practicing mortuary science in the State of Maryland without a license. Based upon that disclosure, on November 12, 2014, the Applicant, along with his attorney Thomas Whiteford, Esq., attended a settlement conference with Board representatives in an effort to resolve the matter prior to the issuance of formal charges. The Applicant and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board finds that:

1. On or about September 24, 2014, the Board received the Applicant's Application for licensure as a mortician in the State of Maryland via waiver of the Board's apprenticeship requirements.
2. On the Application, the Applicant stated that he was licensed in the District of Columbia, license number FD962.

3. On the Application, the Applicant also stated that he was employed by a funeral establishment (the "Establishment") in Brentwood, Maryland.

4. Concurrent to the submission of his Application, the Applicant disclosed to the Board that, while employed for the Establishment, he had prepared several bodies for final disposition and performed at least three embalmings since July 2014.

5. The Applicant disclosed that he was told by a member of the Establishment's staff that this was permissible, so long as licensed staff were on the premises and readily available.

6. The practice of mortuary science includes the preparation of a dead human body for disposition and the disinfection and preservation of dead human bodies by arterial or cavity injection, or embalming. *See* Md. Code Ann., Health Occ. § 7-101(u). Prior to practicing mortuary science in the State of Maryland, an individual must be licensed by the Board. *See* Md. Code Ann., Health Occ. § 7-302(a)(1). By his own admission, the Applicant performed these tasks while employed by the Establishment prior to licensure by the Board. Thus, because the Applicant practiced without a license to practice mortuary science in the State of Maryland, the Board finds that the Applicant has violated a provision of the Maryland Morticians and Funeral Directors Act within the meaning of Md. Code Ann., Health Occ. § 7-316(a)(18).

7. The Board, in its discretion, finds that the Applicant is suitable for probationary licensure as a mortician at this time.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant violated Md. Code Ann., Health Occ. § 7-316(a)(18) ("Violates any provision of this title....," specifically Md. Code Ann., Health Occ. § 7-302(a)(1)).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the “Application for Mortician License via Waiver of Apprenticeship Requirements” dated September 23, 2014 and submitted by Andre Thompson (the “Applicant”) be **GRANTED**; and it is further

ORDERED that the license of the Applicant to practice mortuary science in the State of Maryland is placed on **PROBATION** for a minimum of **TWO (2) YEARS** subject to the following terms and conditions:

1. The Applicant’s status as a mortician be listed in the Board's computer records and website as being on “**Probation**”;
2. **In addition** to the continuing education units required by Section 7-314 of the Health Occupations Article and the Code of Maryland Regulations 10.29.05 *et seq.*, the Applicant shall complete **TWELVE (12) continuing education credits within TWELVE (12) MONTHS of the effective date of this Order.** The credits shall not be completed in connection with the Applicant’s employer. The Applicant’s failure to submit to the Board satisfactory evidence of the completion of the TWELVE (12) continuing education credits within TWELVE (12) MONTHS from the effective date of this Order shall constitute a violation of probation and a violation of this Order;
3. The Applicant shall comply with the Maryland Morticians and Funeral Directors Act and the Board’s regulations. Any violation of the Maryland Morticians and Funeral Directors Act or the Board’s regulations shall constitute a violation of probation and a violation of this Order.

ORDERED that, no later than **NINETY (90) DAYS** of the effective date of this Order, the Applicant shall pay to the Board a monetary fine of **ONE THOUSAND DOLLARS AND ZERO CENTS (\$1000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Order. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Order shall constitute a violation of probation and a violation of this Order; and it is further

ORDERED that the Applicant shall be responsible for paying all costs required to comply with the terms and conditions of this Consent Order; and it is further

ORDERED that, in the event the Board grants to the Applicant any other type of license, certificate, or permit that the Board is authorized to grant, that license, certificate, or permit may be subject to the all of the same conditions imposed in this Consent Order; and it is further

ORDERED that if the Applicant violates any of the terms and conditions of this probation and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Md. Code Ann., Health Occ. § 7-316 including a reprimand, additional probation, suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

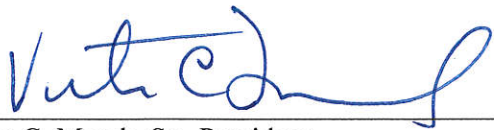
ORDERED that no earlier than **TWO (2) YEARS** after the effective date of this Consent Order, the Board will consider a petition for termination of the Applicant's probationary status, provided that the Applicant has been compliant with the probationary terms of this Consent Order

and safely employed as a mortician for at least **NINE (9) MONTHS** immediately preceding the petition for termination; and it is further

ORDERED that there shall be no early termination of the two (2) year probationary period. The Board will not consider any requests from the Applicant to terminate probation any earlier than two (2) years from the effective date of this Order; and it is further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-333(b).

12/10/14
Date




Victor C. March, Sr., President
Maryland State Board of Morticians and Funeral Directors

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.



Andre Thompson