

<b>IN THE MATTER OF</b>  <b>WILBUR BUEHRER</b>  <b>License Number M01384</b>	* * * * * *	<b>BEFORE THE MARYLAND</b>  <b>STATE BOARD OF</b>  <b>MORTICIANS AND</b>  <b>FUNERAL DIRECTORS</b>
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**CONSENT ORDER OF PROBATION**

On or about July 20, 2015, the Maryland State Board of Morticians and Funeral Directors (the "Board") received a complaint regarding the mortuary science practice of Wilbur Buehrer (the "Respondent") and his employing funeral establishment. The Board subsequently requested a response from the Respondent, which he provided the Board on or about August 17, 2015. Based upon the complaint, the Respondent's response, as well as the Board's subsequent investigation, on December 2, 2015, the Board met with the Respondent, along with his attorney, in an attempt to settle the matter prior to the issuance of formal charges. As a result of that meeting, the Respondent and the Board agreed to the following Consent Order.

**FINDINGS OF FACT**

The Board finds that:

1. At all times relevant, the Respondent was licensed to practice mortuary science in the State of Maryland, license number M01384, and employed by a funeral establishment (the "Establishment") in Frederick, Maryland.
  
2. On or about July 15, 2015, Person A met with the Respondent at the Establishment to discuss pre-need funeral arrangements for her mother (the "Mother"). According to Person A, at the time of the meeting, she was not ready to complete the transaction and she did not have a durable power of attorney form with her.

3. After some discussion regarding the pre-need arrangement process, the Respondent presented Person A with a blank irrevocable insurance assignment form (the "Form") and asked her to sign the Mother's name on the form, which Person A did.

4. Person A left the Establishment without finalizing any pre-need arrangement plans or signing any other documents.

5. Thereafter, the Respondent completed the Form, had it notarized, and submitted it to the Mother's insurance company.

6. Upon finding out that the Respondent submitted the Form, Person A submitted a complaint to the Board.

7. In an investigative interview with Board staff, the Respondent stated that he submitted the Form solely to verify the status of the Mother's insurance policy, not to irrevocably assign the Mother's insurance policy to the Establishment, although he conceded that submission of the Form was not necessary for this verification.

8. The Board finds in this case that, by submitting the Form to the insurance company prior to the finalization of any pre-arrangement plans, the Respondent caused Person A to believe that the Mother's insurance policy proceeds were irrevocably assigned to the Establishment, thereby causing her some unnecessary distress. As the Respondent conceded, the submission of the irrevocable assignment form was not necessary to verify the Mother's insurance status. Therefore, the Board finds that the Respondent acted in a manner that was unprofessional and not in the best interest of Maryland consumers.

#### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Board concludes that the Respondent violated

Md. Code Ann., Health Occ. § 7-316(a)(26) (“Commits an act of unprofessional conduct in the practice of mortuary science”).

**ORDER**

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

**ORDERED** that the license of the Respondent to practice mortuary science in the State of Maryland is placed on **PROBATION** for a minimum of **ONE (1) YEAR** subject to the following terms and conditions:

1. The Respondent’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 Respondent shall complete a Board-approved ethics course **and** a Board-approved course in Maryland pre-need law. The Respondent’s failure to submit to the Board satisfactory evidence of the completion of the aforementioned courses within **SIX (6) MONTHS** from the effective date of this Order shall constitute a violation of probation and a violation of this Order.
3. Pursuant to Md. Code Ann., Health Occ. § 7-310(e)(4), the Respondent may not act as a supervising mortician for an establishment during the pendency of this probation.
4. The Respondent 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; and it is further

**ORDERED** that the Respondent 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 if the Respondent 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

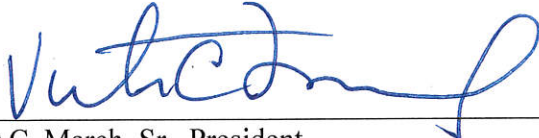
**ORDERED** that no earlier than **ONE (1) YEAR** after the effective date of this Consent Order, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Consent Order and safely employed 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 one (1) year probationary period. The Board will not consider any requests from the Respondent to terminate probation any earlier than one (1) year 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).

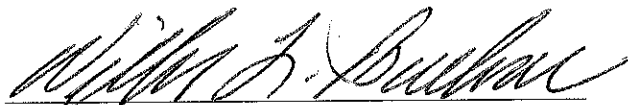
12/9/15  
Date

  
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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 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.

  
**Wilbur Buehrer, M01384**