

**IN THE MATTER OF  
OLGER BURCH  
License Number M01321**

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**BEFORE THE MARYLAND  
STATE BOARD OF  
MORTICIANS AND  
FUNERAL DIRECTORS**

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**CONSENT ORDER OF REPRIMAND**

On or about November 16, 2015, the Maryland State Board of Morticians and Funeral Directors (the "Board") conducted a routine inspection of a funeral establishment in Jessup, Maryland. Based upon the findings of that inspection, the Board initiated an investigation. As a result of that investigation, on February 10, 2016, the Board met with the Olger Burch (the "Respondent"), along with his attorney, in an attempt to settle the matter prior to the issuance of formal charges. Subsequently, 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 M01321, and was the supervising mortician of a funeral establishment in Jessup, Maryland (the "Establishment").
2. On or about November 16, 2015, the Board conducted a routine inspection of the Establishment. During that inspection, the inspector audited several pre-need contract files. Noting that the selected files did not contain any corresponding financial information, such as bank statements or deposit slips, the inspector requested that the Respondent forward that information to the Board.

3. On or about December 2, 2015, the Board received the requested information. The documents indicated that the pre-need funds were deposited into a bank account bearing the name of the Establishment. Further, the statements did not show the pre-need accounts as individually identified by customer name. Accordingly, the Board requested a written response from the Respondent.

4. By letter dated December 23, 2015, the Respondent provided the Board with a written response, which stated, in relevant part:

It has been our process in the past that all monies received for our Pre-Need Cases have been placed in our bank accounts. We maintain a computer generated account for each client's preneed file, held in the main office location...showing all break, bank statements, deposit slips/records and copies of checks, etc. of all Pre-Need funds received by [the Establishment].

The Respondent further stated that, under Maryland law, "a seller need not have a separate escrow or trust account for each pre-need contract."

5. For his part, the Respondent later disclosed to the Board that he had no role in setting up the accounts by which the Establishment's pre-need funds were maintained.

6. Maryland law requires that a pre-need escrow or trust account be "[e]stablished using the name, address, and Social Security number of the buyer." Md. Code Ann., Health Occ. § 7-405(d)(3)(ii). In addition, pre-need escrow or trust accounts are not assets of any licensee or establishment. See Md. Code Ann., Health Occ. § 7-405(d)(3)(i). In this case, all of the Establishment's pre-need funds were maintained in a single account in the name of the Establishment and they were not established in the name or social security number of the buyer in violation of Maryland law.

7. Furthermore, as the supervising mortician, the Respondent is held responsible for

“all activities performed on behalf of the funeral establishment with [his] knowledge.” Md. Code Ann., Health Occ. § 7-310(e)(5)(i). Thus, the Board finds that the Respondent is responsible for the Establishment’s failure to comply with Maryland law regarding pre-need funds.

**CONCLUSIONS OF LAW**

Based upon 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**

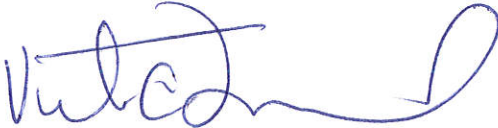
Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the license of the Respondent to practice mortuary science in the State of Maryland is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent may not act as a supervising mortician for a funeral establishment in the State of Maryland. A violation of this provision shall constitute unprofessional conduct and a violation of this Order; and it is further

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


3/16/16  
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.

  
**Olger Burch, M01321**