

IN THE MATTER OF * BEFORE THE MARYLAND
CEDAR HILL FUNERAL HOME, INC. * STATE BOARD OF MORTICIANS
• AND FUNERAL DIRECTORS

License No: C00028

Complaint Numbers: 12-024; 12-044
12-078

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Morticians and Funeral Directors (the "Board") and Cedar Hill Funeral Home, Inc. (the "Respondent"), license number C00028, have agreed to enter into this Pre-Charge Consent Order (the "Order") in lieu of the Board's filing formal charges for violating provisions of the Maryland Morticians and Funeral Directors Act ("the Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 7-101 et seq. (2009 Repl. Vol.), specifically H.O. § H.O. 7-316(a)(5) and (26), for aiding and abetting the unauthorized practice of mortuary science and for unprofessional conduct in the practice of mortuary science.

The Board initiated an investigation of the Respondent's funeral home, Cedar Hill Funeral Home, Inc., license number E00353, 4111 Pennsylvania Avenue, Suitland Maryland, upon receipt of a complaint from Complainant A¹ (the "Complainant") who had contracted with the Respondent to provide funeral and burial services for her deceased son.

A Pre-Charge Complaint Resolution Conference (CRC) took place on July 11, 2012. Participating were the Respondent's representatives and a panel of Board members (the "CRC Panel"). Prior to the CRC, Respondent had initiated its own internal investigation and had already

¹ The identity of Complainant A, complaint number 12-024, and the text of the complaint are maintained among the Board's records.

substantially corrected the issues which were before the CRC Panel. Further, Respondent had cooperated fully in the Board's investigation.

On January 30, 2012, at the request of the Board and Complainant A, Respondent disinterred the remains of Complainant A's deceased son, which were immediately re-interred to a location chosen by the family on the perimeter of the mausoleum. In addition, at the request of the Board and Complainant A, the Respondent, on or about January 31, 2012, refunded the amount of Five Thousand Eight Hundred and Fifty One Dollars (\$5,851.00), which comprised the contract price of the funeral for the deceased son of Complainant A.

The Board's authority to investigate and charge the Respondent is derived from H.O. § 7-205(a)(5).

FINDINGS OF FACT

1. Unlicensed individual² employed by the Respondent's funeral establishment made arrangements with complainant A for funeral services and burial of her deceased son.
2. The unlicensed individual told Complainant A that it was her responsibility to go to the deceased's doctor in order to have the doctor sign the certificate of death.
3. The funeral service and interment were not conducted in an appropriate manner.
4. Only Complainant A and few of the family members gathered for the interment were allowed to attend the interment in an inaccessible lower mausoleum.
5. Complainant A and those family members allowed to attend the interment were transported in the private vehicle belonging to an employee of the Respondent that was littered with trash
6. Upon inspection in December 2011, the inspector found no supervising mortician license on display.

² The identity of the unlicensed individual are maintained among the Board's records.

7. Complainant B³ was told by Respondents employee(s) that she would not be given the certificate of death until she paid her funeral bill.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent aided and abetted the unauthorized practice of mortuary science and acted unprofessionally in the practice of mortuary science in violation of H.O. §§ 7-316(a)(5) and (26).

ORDER

ORDERED that the Respondent shall, within 120 days from the effective date of this Order, document to the Board that it has provided pro-bono funeral services fairly valued at five thousand dollars (\$5000.00);⁴ and it is further

ORDERED that within 90 days from the effective date of this Order, the Respondent shall pay a fine the Board in the amount of three thousand dollars (\$3000.00); and it is further

ORDERED that for one year following the entry of this Order, the Board may, in its discretion, make periodic unannounced inspections of Respondent's funeral home located at 4111 Pennsylvania Avenue, Suitland Maryland; and it is further

ORDERED that any violation of the terms and conditions of this Order, including but not limited to an individual's failure to cooperate with the Board's investigator or inspector shall result in immediate suspension of the Respondent's Maryland Corporation license without prior notice or an opportunity to be heard, provided it is given the opportunity for a show cause hearing before the Board and after notice and a hearing, and a determination of a violation, the Board may impose any other disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension, said violation be proven by a preponderance of the evidence; and it is further

³ The identity of Complainant B, complaint number 12-078, is maintained among the Board's records.

⁴ The effective date is the date the Order is accepted by the Board.

ORDERED that the Respondent shall reasonably cooperate with the Board's investigation of activities relating to the aforementioned Complaint Numbers and the individuals referenced in those complaints, by, among other things, providing such relevant documents in the Respondent's files (or those of its related entities) as are reasonably requested by the Board, and which cooperation and provision of documents is subject to the following express understandings: (i) that such relevant documents in the Respondent's files (or those of related entities) as are reasonably requested by the Board may be redacted as necessary in the Respondent's discretion to remove the Respondent's customers' identifying information and (ii) that none of the Respondent's customers (except the Complainants who initiated the aforementioned complaint Numbers) shall be contacted by the Board or its representatives without prior consent of the Respondent, which shall not be unreasonably withheld; and it is further

ORDERED that if the Board's investigator or inspector believes that the Respondent is not properly cooperating with the Board's investigation, and the Board's representative is not able to informally resolve the issues with the Respondent, the Board shall deem the Respondent's failure to cooperate to be a violation of this Order, subjecting the Respondent to potential further disciplinary action before the full Board; and it is further

ORDERED that this Order resolves the Complaint Numbers captioned above; and it is further;

ORDERED that this Order is a PUBLIC DOCUMENT as defined in Md. State Gov't Code Ann. §§ 10-611 et seq. (2009).

2/13/15
Date


Hari Close
President

CONSENT

I, _____, on behalf of Cedar Hill Funeral Home, Inc. License Number C00028, by signing this Consent, agree to be bound by the terms and conditions of the foregoing Pre-Charge Consent Order.

By signing this Consent, the Cedar hill Funeral Home, Inc. submits to the terms and conditions of the Pre-charge Consent Order as a resolution to this matter and waives any right to contest the terms and findings herein and all challenges legal or otherwise to the proceedings before the Board.

We acknowledge the validity and enforceability of this Pre-Charge Consent Order as if it were made after a formal evidentiary hearing in which we would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on our own behalf, and to all other substantive and procedural protections to which we are entitled by law. We also recognize that we are waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing and we are also waiving any other legal remedies we may have regarding resolution of this matter.

We have had the opportunity to review this Pre-Charge Consent Order with an attorney of our choice and sign it voluntarily, understanding its terms, meaning and effect.

2/13/13
Date



For Cedar Hill Funeral Home, Inc.

NOTARY

COMMONWEALTH OF PENNSYLVANIA

~~CITY~~/COUNTY OF Bucks

I HEREBY CERTIFY that on this 13th day of February, 2013, before me, a Notary Public of the Commonwealth of Pennsylvania and the City/County aforesaid, personally appeared Kare Lee on behalf of Cedar Hill Funeral Home, Inc. and made oath in due form of law that the foregoing Consent was his/her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Anne L. Tiberi
Notary Public

My Commission Expires: February 15, 2013

