

IN THE MATTER OF
WESLEY CHAVIS III
RESPONDENT

LICENSE NO.: M01388

* BEFORE THE MARYLAND
* BOARD OF
* MORTICIANS AND
* FUNERAL DIRECTORS
* CASE NO.: 14-039
*

* * * * *

**ORDER OF SUSPENSION OF MORTICIAN LICENSE
FOR DELINQUENT CHILD SUPPORT**

BACKGROUND

On or about January 8, 2014, the Maryland Board of Morticians and Funeral Directors (the "Board") received a written request from the Baltimore City Office of Child Support Enforcement of the Child Support Enforcement Administration of the Maryland Department of Human Resources (the "Administration") to suspend the mortician license of Wesley Chavis III (the "Respondent"), License Number M01388, for delinquent child support, by authority of the Maryland Family Law Code Ann. ("Fam. Law") § 10-119.3 (2006 Repl. Vol. and 2009 Supp.), which provides in pertinent part:

(e)(2) Except as provided in paragraph 3 of this subsection, upon notification by the Administration under this section, a licensing authority¹ shall:

(i) suspend an individual's license; or

(ii) deny the license of an individual who is an applicant for a license from the licensing authority.

....

¹ The Board of Morticians and Funeral Directors is a unit within the Maryland Department of Health and Mental Hygiene, Md. Health-General Code Ann. §§ 2-101 & 2-106(a)(13), and a "licensing authority" within the meaning of Md. Family Law Code Ann. § 10-119.3(a)(3)(i) and (ii)(2).

(h) *Right to contest identity.* – (1) Except as provided in paragraph (2) of this subsection, prior to the suspension or denial of a license under subsection (e) of this section, a licensing authority shall send written notice of the proposed action to the individual whose license is subject to suspension or denial, including notice of an individual’s right to contest the identity of the individual whose license or application is to be suspended or denied.

....

(i) *Appeal; hearing.* –(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual’s license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.

....

(k) *Reinstatement of license—Duty of licensing authority.* – A licensing authority shall immediately reinstate any license suspended, or process an application for any license denied, under this section if:

(1) notified by the Administration that the license should be reinstated; and

(2) the individual otherwise qualifies for the license.

On January 15, 2014, the Board sent an unexecuted copy of this Order of Suspension of Mortician License for Delinquent Child Support (hereinafter “Order of Suspension”) to the Respondent’s last known address registered with the Board and also to the address on the request form that the Board received from the Administration. Accompanying the unexecuted Order of Suspension was a cover letter giving Respondent written notice of his right to contest his identity in writing within thirty days of the date of the letter; that is, to contest that he was not the of Wesley Chavis III License Number M01388, named by the Administration as the individual whose license should be suspended for delinquent child support. In addition, the letter also gave

Respondent written notice that if he did not submit to the Board a written contest of mistaken identity on or before January 28, 2014, the Board would execute this Order of Suspension as written on January 29, 2014.

FINDINGS OF FACT

1. The Board issued a license to practice mortuary science to the Respondent on December 10, 2003. His license is currently active and is scheduled to expire on April 30, 2014.

2. On or about January 8, 2014, the Board received a written request from the Baltimore City Office of Child Support Enforcement of the Child Support Enforcement Administration of the Maryland Department of Human Services (the "Administration"), entitled "Request to Suspend or Deny License for Delinquent Child Support"(hereinafter "Request"), which requested that the Board suspend the mortician license of the Respondent for delinquent child support under the authority Fam. Law § 10-119.3. That Request stated that, as of January 1, 2014 the arrearage amount of child support that the Respondent owed was \$ 12,557.00.

3. Fam. Law § 10-119.3(e)(2) & (h)(1) requires that the Board suspend the license of the Respondent upon notification by the Administration and after sending written notice to the Respondent of the proposed suspension of Respondent's license and of the Respondent's right "to contest the identity of the individual whose license is proposed to be suspended."

4. On January 15, 2014, the Board sent an unexecuted copy of this Order of Suspension of Mortician License for Delinquent Child Support to the Respondent's last known address registered with the Board and also to the address on the

Administration's Request form. Included with the unexecuted Order of Suspension was a letter giving Respondent written notice of his right to contest, in writing to the Board, within thirty days of the date of the letter, his identity; that is, to contest that he was not the Wesley Chavis III, License Number M01388, named by the Administration as the individual whose license should be suspended for delinquent child support. In addition, the letter also gave Respondent written notice that if he did not submit to the Board a written contest of mistaken identity on or before January 28, 2014, the Board would execute this Order of Suspension as written.

5. The Respondent did not submit to the Board a written contest regarding mistaken identity by January 28, 2014.

6. Having given the Respondent the statutorily required written notice of the Board's intent to suspend his license and of his right to contest identity pursuant to Fam. Law § 10-119.3(h)(1), and having not received a written response or contest from the Respondent regarding mistaken identity, the Board is statutorily required to suspend the Respondent's license, pursuant to by Fam. Law § 10-119.3(e)(2).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that, pursuant to Fam. Law § 10-119.3(e)(2)(i), it is statutorily required to suspend the Respondent's mortician license until the Board receives notification from the Administration that the Respondent's license should be reinstated and the Respondent is otherwise qualified to be licensed, pursuant to Fam. Law § 10-119.3(k)(1)-(2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, on this 29th day of January, 2014, by the Maryland Board of Morticians and Funeral Directors, it is hereby

ORDERED that the Maryland mortician license of the Respondent, Wesley Chavis III, is **SUSPENDED**; and it is further

ORDERED that the Respondent's license shall remain suspended until the Board receives notification from the Child Support Enforcement Administration of the Department of Human Resources that the Respondent's license should be reinstated pursuant to Fam. Law § 10-119.3(k)(1)-(2); and it is further

ORDERED that this is a Final Order of the Maryland Board of Morticians and Funeral Directors and, as such, is a PUBLIC DOCUMENT and is reportable to any entity to which the Board is obligated by law to report, and is disclosable under the Maryland Public Information Act, Maryland State Gov't Code Ann. §§10-611 *et seq.* (2009 Repl. Vol.).



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

NOTICE OF APPEAL RIGHTS

The Respondent has a right to appeal this Final Order of the Board pursuant to Fam. Law § 10-119.3(i), which provides as follows:

(i) *Appeal; hearing.*—(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to

suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.