

IN THE MATTER OF

* BEFORE THE MARYLAND

CECIL A. ESTEP

* STATE BOARD OF MORTICIANS

License Number M00190

* AND FUNERAL DIRECTORS

Board Case Number 10-036

*

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Morticians and Funeral Directors (the "Board") and Cecil A. Estep (the "Respondent") have agreed, in lieu of the Board's filing formal charges, to enter into to this Pre-Charge Consent Order (the "Order"). The Respondent waives his right to a hearing and agrees to be sanctioned by the Board. This Order is based upon the Board's belief that the Respondent violated 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.).

FINDINGS OF FACT

1. At all times relevant, the Respondent was and is licensed to practice mortuary science in the State of Maryland under license number M00190.
2. At all times relevant, the Respondent was and is the Supervising Mortician at Estep Funeral Service, P.A. located at 1300 Eutaw Place in Baltimore City.
3. The Board launched an investigation upon receiving a complaint from Family A¹ that, in spite of having made arrangements with the Respondent for embalming, viewing and a service for their deceased family member², the Respondent cremated the deceased before the viewing.
4. When the deceased's daughter arrived for a viewing she was shown a picture of him dressed in his suit and told that he had already been cremated.
5. The unsigned at need contract was in the amount of \$4,078.00 which included the removal

¹ Family A is identified in the Board records.

fee of \$275.00 and embalming fee of \$825.00.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§ 7-316(a)(14) and (26).

ORDER

ORDERED that the Respondent shall be placed on **PROBATION** for a period of one (1) year to commence on the effective date³ of this Consent Order (the "Order"); and it is further

ORDERED that no later than thirty (30) days from the effective date of this Order the Respondent shall reimburse Family A two thousand nine hundred and seventy eight dollars (\$2978.00)⁴; and it is further

ORDERED that the Board shall conduct quarterly unannounced inspections of the Respondent's funeral home over the course of the Respondent's probation; and it is further

ORDERED that no earlier than one (1) year from the effective date of this Order, the Respondent may petition the Board for termination of his probationary status. It shall be within the Board's discretion to grant such a request; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Order; and it is further

ORDERED that the Respondent shall comply with and practice within all statutes and regulations governing the practice of mortuary science and funeral direction in the State of Maryland; and it is further

ORDERED that any violation of the terms and conditions of this Order shall constitute

² The deceased is identified in the Board's records.

³ The effective date is date the Board accepts this Order.

⁴ This represents the contract price of \$4078.00 less the removal fee of \$275.00 and the embalming fee of \$825.00.

unprofessional conduct in addition to any applicable grounds under the Act; and it is further

ORDERED that this Consent Order is a PUBLIC DOCUMENT as defined in Md. State Gov't Code Ann. §§ 10-611 et seq. (2004).

1/20/11
Date


Dr. Hari P. Close
President

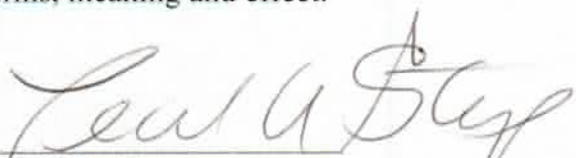
CONSENT OF CECIL A. ESTEP

I, Cecil A. Estep, License Number M00190, by signing this Consent agree to be bound by the terms and conditions of the foregoing Pre-Charge Consent Order as resolution to this matter. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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

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

12-3-10
Date


Cecil A. Estep

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Wald

I HEREBY CERTIFY that on this 3rd day of November, 2010, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared Cecil A. Estep, and made oath in due form of law that the foregoing Consent was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: 6-12-14