

**IN THE MATTER OF**  
**BRENT FRANCIS**  
**License Number M01505**

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

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**CONSENT ORDER OF PROBATION**

On or about August 21, 2015, the Maryland State Board of Morticians and Funeral Directors (the "Board") received a complaint regarding the mortuary science practice of Brent Francis (the "Respondent"). The Board subsequently requested a response from the Respondent, which he provided the Board on or about October 1, 2015. Based upon the complaint and the Respondent's response, on November 3, 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 M01505.
2. On or about July 4, 2014, C.H. (the "Decedent") passed away.
3. Shortly thereafter, the Decedent's sister (the "Sister") went to the Respondent in order to make the funeral arrangements for the Decedent. According to the Respondent, at the time the Sister presented herself, she indicated that she would be handling the Decedent's arrangements because her mother suffered from dementia.

4. Based upon her representations, the Respondent made arrangements with the Sister for the Decedent's cremation.

5. Prior to the cremation, the Decedent's mother (the "Mother") contacted the Respondent indicating that she would like to see the Decedent "one last time." The Respondent indicated that was possible, but that the Mother would have to come soon. Due to transportation issues, the Mother was unable to travel to the Respondent's establishment to view the Decedent.

6. The Decedent was later cremated, and a memorial service was held on or about July 12, 2015.

7. The Mother indicated to the Board's investigator that she agreed with the Sister to have a cremation. Similarly, the Respondent indicated to the Board that during his conversations with the Mother, she did not make any demands regarding the arrangements for the Decedent that were divergent than those made by the Sister.

8. Maryland law sets forth an "order of priority" for those individuals or classes of individuals that have the "right to arrange for the final disposition" of a decedent. *See* Md. Code Ann., Health Occ. § 7-410(c). Specifically, as set forth in the order is:

- (1) The surviving spouse or domestic partner, as defined in § 1-101 of the Health--General Article, of the decedent;
- (2) An adult child of the decedent;
- (3) *A parent of the decedent;*
- (4) *An adult brother or sister of the decedent;*
- (5) A person acting as a representative of the decedent under a signed authorization of the decedent;
- (6) The guardian of the person of the decedent at the time of the decedent's death, if a guardian has been appointed; or
- (7) In the absence of any person under items (1) through (6) of this subsection, any other person willing to assume the responsibility to act as the authorizing agent for purposes of arranging the final disposition of the decedent's body, including the

personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the persons described in items (1) through (6) of this subsection.

*Id.* (Emphasis added.) Accordingly, based upon Maryland law, a parent has higher priority than a sibling with regards to making final dispositions.

9. In this case, the Respondent was made aware by the Sister that the Decedent was survived by his Mother. Thus, by making final disposition arrangements for the Decedent with the Sister without contacting the Mother first, the Respondent acted improperly – regardless that there was apparently no disagreement regarding the arrangements that the Sister had made with the Respondent regarding the Decedent.

#### **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)(20) (“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 course regarding the rights of *final disposition and lineage* **and** a Board-approved course regarding *cremation regulation* in the State of Maryland. 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 FIVE HUNDRED DOLLARS AND ZERO CENTS (\$1500.00)** 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 **SIXTY (60) DAYS** of the effective date of this Order. Failure to pay this monetary fine in full to the Board within **SIXTY (60) 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

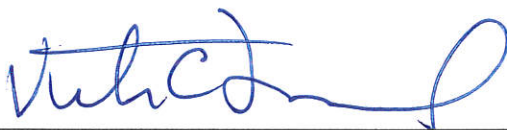
evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Md. Code Ann., Health Occ. § 7-316 including a reprimand, 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.

A handwritten signature in cursive script, appearing to read "Brent Francis".

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**Brent Francis, M01505**