

IN THE MATTER OF
BRENT FRANCIS
License Number M01505

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BEFORE THE MARYLAND
STATE BOARD OF
MORTICIANS AND
FUNERAL DIRECTORS

CONSENT ORDER OF REPRIMAND AND PROBATION

On or about December 10, 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 conducted an investigation. Based upon the complaint and the investigation, on May 11, 2016, 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 November 30, 2015, A.L. (the “Decedent”) passed away and was held at the Office of the Chief Medical Examiner (“OCME”).
3. Shortly thereafter, the complainant (the Decedent’s father), the Decedent’s mother, and the Decedent’s sister began contacting various Baltimore-area funeral establishments to inquire as to cremation and funeral pricing.
4. The Respondent’s establishment was one of the funeral establishments contacted by the Decedent’s family, and they spoke directly with the Respondent via telephone on December 1,

2015. The Decedent's father stated that the family inquired if they could meet with the Respondent in person to discuss possible funeral arrangements, but that the Respondent was not available to meet on the family's schedule. The Respondent offered to schedule an alternate meeting, but the family, according to their complaint, stated "nevermind and went back to calling around" to other establishments.

5. Later that day, the family contacted another funeral establishment and contracted for its services. In addition, the Decedent's family signed authorizations for the removal of the Decedent from OCME by that establishment.

6. On December 2, 2015, the other funeral establishment responded to the OCME to remove the Decedent, however the Decedent had already been released to the Respondent.

7. The Decedent's family contacted the OCME and discovered that the Respondent had provided OCME with a release authorization purportedly signed by the Decedent's mother.

8. The Respondent stated that, based upon his conversations with the Decedent's family, he believed in good faith that he had their authorization to proceed with the Decedent's removal. The Decedent's family, however, stated that they never provided any authorization to the Respondent to proceed nor did they sign any documents authorizing the Respondent to remove the Decedent from the OCME.

9. In a separate matter, on December 9, 2015, the Board issued a "Consent Order of Probation," which, among other things, placed the Respondent's license to practice mortuary science in the State of Maryland on probation for a minimum of one year.

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 hereby **REPRIMANDED**; and it is further

ORDERED that the probation as set forth in the Board’s December 9, 2015 “Consent Order of Probation,” including all probationary terms and conditions thereto, is hereby extended for a minimum of **SIX (6) ADDITIONAL MONTHS**; and it is further

ORDERED that pursuant to Md. Code Ann., Health Occ. § 7-310(e)(4), the Respondent may not act as a supervising mortician for an establishment while on probation; and it is further

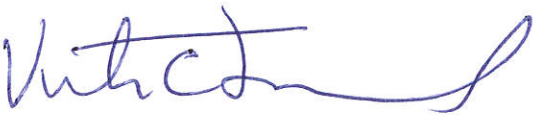
ORDERED that if the Respondent violates any of the terms and conditions of probation, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before 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 there shall be no early termination of the probationary period set forth in the Board’s December 9, 2015 Order and there shall no early termination of the extension of that probationary period as imposed by this Order. Upon the expiration of the applicable probationary period, 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 imposed by the Board's December 9, 2015 Order and this 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 this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-333(b).

6/8/16
Date




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.



Brent Francis, M01505