

IN THE MATTER OF

FREEMAN FUNERAL SERVICES

Respondent-Establishment

LICENSE NUMBER: E00428

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BEFORE THE STATE

BOARD OF MORTICIANS

AND FUNERAL DIRECTORS

CASE NUMBER: 10-082

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CONSENT ORDER

On DATE, the Maryland Board of Morticians and Funeral Directors (the "Board"), summarily suspended and charged the restricted establishment license of **FREEMAN FUNERAL SERVICES** (the "Respondent-Establishment"), License Number E00428 under the Maryland Morticians and Funeral Directors Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 7-101 et seq. (2009 Repl. Vol.).

Specifically, the Board charged the Respondent-Establishment under the following provisions of the Act:

H. O. § 7-316. Denials, reprimands, suspensions, and revocations--Grounds

(b) Funeral Establishment – (1) Subject to the hearing provisions of § 7-319 of this subtitle and paragraph (2) of this subsection, the Board may reprimand, place on probation, deny, suspend, or revoke a funeral establishment license for any of the grounds listed in subsection (a) of this section.

(2) The Board may not reprimand, place on probation, deny, suspend, or revoke a funeral establishment license because of a violation of a provision of this title by an employee of the establishment, unless the employee has an proprietary interest in the business that is conducted from the establishment.

The grounds listed in § 7-316(a) under which the Respondent-Establishment is charged are as follows:

(2) Fraudulently or deceptively uses a license;

- (26) Commits an act of unprofessional conduct in the practice of mortuary science[.]

In addition, H.O. § 7-310(a)(1) requires that a funeral establishment be licensed by the Board before the establishment may be used for the preparation of the remains, viewing and conducting of services. Further, H.O. § 7-310(a)(2) states that the licensee may be restricted to operations as determined by the Board.

On November 10, 2010, a Case Resolution Conference was convened in this matter. Based on negotiations that took place prior to the Case Resolution Conference, the Respondent-Establishment agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Respondent-Establishment is located at 4594 Beech Road, Temple Hills, Maryland 20748. In December 1996, the Respondent-Establishment was initially issued a restricted license (number E00428) to operate an "arrangements only" facility at its establishment on Beech Road in the State of Maryland. The Respondent-Establishment's license is current and will expire on November 30, 2010.¹

2. At all times relevant to the statements herein, the Respondent-Establishment was owned and operated by Glenda M. Freeman (License Number M01010).

3. At all times relevant to the statements herein, Ms. Freeman was the supervising mortician at the Respondent-Establishment.

¹ On September 16, 2010, the Board notified the Respondent-Establishment that it is delinquent in its payment of taxes or unemployment insurance contributions. The Respondent-Establishment must resolve this issue with the Office of the Comptroller before the Board can process its renewal application. The Board further notified the Respondent-Establishment that it will be required to cease and desist operation if it fails to resolve this issue by November 30, 2010.

4. Under the Respondent-Establishment's restricted license, it is permitted to conduct at-need and pre-need arrangements, but is not permitted to prepare human remains for final disposition or hold viewings in the Respondent-Establishment's Beech Road facility.

5. Pursuant to a contract dated June 25, 2007 between the Respondent-Establishment and Establishment A², the latter agreed to provide "embalming and ordinary care and housing of human remains" for the Respondent-Establishment's decedents. The contract does not provide for dressing, casketing or cosmetising decedents.

Complaint #1

6. On or about June 30, 2010, the Board received a complaint ("Complaint #1") from Client A alleging unprofessional conduct by Ms. Freeman.

7. Subsequently, the Board opened an investigation.

8. On June 20, 2010, the Respondent-Establishment entered into a contract with Client A and her siblings for funeral arrangements for Client A's mother ("Decedent A").

9. Under the terms of the contract, the Respondent-Establishment would provide removal, preparation and funeral services for Decedent A, in exchange for payment made by Decedent A's private life insurance policy. The life insurance policy was held by Decedent A's former employer. No additional fees were due from Decedent A's family under the contract.

² To ensure confidentiality, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this document. The Respondent may obtain the identity of all individuals and entities referenced in this document by contacting the administrative prosecutor.

10. According to Client A, a viewing was scheduled to take place at the Respondent-Establishment on June 24, 2010 at 5:00 p.m. and the funeral services were scheduled to take place on June 25, 2010 at a church in Washington, D.C.

11. On June 24, 2010, at 2:00 p.m., Ms. Freeman informed Client A that because Ms. Freeman had not verified Decedent A's life insurance policy, her family would not be allowed to view the body that evening. Ms. Freeman further stated that the Respondent-Establishment would not transport Decedent A's remains to Church A or to the cemetery, unless payment was rendered immediately by check.

12. Client A contacted Decedent A's former employer and was informed that assurance had been provided to Ms. Freeman that the claim was being processed and that payment would be rendered to the Respondent-Establishment in satisfaction of the contract.

13. According to Client A, on June 24, 2010 at 5:08 p.m., after "heated, unprofessional and insensitive remarks from Ms. Freeman," Client A and her family were permitted to view Decedent A's remains at the Respondent-Establishment's "arrangements only" location. However, during this time, Ms. Freeman denied Decedent A's family privacy, remained in the "viewing room"³ with the family, and continued to demand payment.

14. According to Client A, Ms. Freeman stated that the funeral would not take place if she did not receive a check. As a result, Client A's sister issued a check to Ms. Freeman, although she could not afford to do so.

³ Decedent A's viewing was held in the Respondent-Establishment's conference room, where Ms. Freeman meets with clients to make arrangements. The conference room table was removed to accommodate Decedent A's casket.

15. Client A further stated that while driving to her mother's funeral she received approximately five "harassing" telephone calls from Ms. Freeman, requesting the claim affidavit from the insurance company. According to Client A, Ms. Freeman's repeated telephone calls interrupted the grieving process and embarrassed Client A and her siblings in front of other family members in the vehicle.

16. On or about September 1, 2010, the Board's Investigator (the "Investigator") spoke with Client A's sister, who corroborated the allegations set forth in Complaint #1.

17. Client A's sister confirmed that on June 24, 2010, Decedent A's viewing took place at the Respondent-Establishment located at 4594 Beech Road in Temple Hills, Maryland. Client A's sister also stated that the viewing was held in the room that had previously served as the conference room where arrangements were made for Decedent A's viewing and funeral. Client A's sister reported that the conference room table had been removed to accommodate Decedent A's casket.

Complaint #2

18. On or about September 14, 2010, the Investigator visited the Respondent-Establishment in furtherance of her investigation of Complaint #1 and to conduct a routine inspection.

19. Upon arrival, the Investigator observed a white-paneled removal vehicle approach the Respondent-Establishment's garage and park. The vehicle backed up to the garage entrance. The Investigator observed a man removing a stretcher from the vehicle, which was carrying what appeared to be human remains under a white cover.

The apparent remains appeared to be very large. Shortly thereafter, the vehicle left the Respondent-Establishment.

20. The Investigator approached the Respondent-Establishment and knocked on the door, which was locked. The Investigator heard commotion inside, including the sound of a stretcher collapsing, and observed an individual looking outside through a window covering, but no one answered the door.

21. After several minutes, Ms. Freeman's office manager answered the door and stated that Ms. Freeman was not available. The office manager beckoned the Investigator to enter the building quickly, but the Investigator refused and remained outside. At that time, the Respondent-Establishment's garage door opened and the Investigator observed a hearse exit quickly. The Investigator attempted to stop the hearse but the female driver did stop in response to her request. The Investigator observed a large, white-covered mound in the rear of the hearse, which appeared to be the same apparent human remains that the Investigator observed being dropped off just minutes prior.

22. The Investigator asked that Ms. Freeman contact the Board.

23. Before leaving the premises, the Investigator observed a bluish-silver casket that was visible through the open garage door.

24. Shortly thereafter, the Investigator observed a second white removal van pull in front of the Respondent-Establishment's garage. When the removal van left the premises, the Investigator followed the vehicle as it drove out of the warehouse complex.

25. The Investigator next visited Establishment B to speak with Mortician A, who embalms human remains for Ms. Freeman. Mortician A stated that on the weekend of September 11, 2010, he embalmed two bodies for Ms. Freeman, one of which was a 350-pound male ("Decedent B").

26. The Investigator contacted Establishment A, where Ms. Freeman stores embalmed remains until she picks them up for services and/or final disposition, and inquired as to the whereabouts of Decedent B. A representative of Establishment A ("Mortician B") stated that Decedent B's remains were picked up "some time before 9:00 p.m. the night before [September 13, 2010]" by a representative from the Respondent-Establishment.

27. The location of Decedent B's remains after being picked up at Establishment A on the evening of September 13, 2010 is unknown, as Ms. Freeman is not legally permitted to store human remains elsewhere.

28. Mortician A further stated that Ms. Freeman "seemed upset" when she called him at approximately 10:35 a.m. that morning, and asked if he could order an oversized casket (for Decedent B) on her behalf, as soon as possible.⁴ Mortician A stated that he often places casket orders for Ms. Freeman because she has account difficulties with the casket companies.

29. Mortician A further stated that he embalms human remains, orders caskets, and occasionally "covers funerals" for Ms. Freeman and the Respondent-Establishment. Mortician A stated that he does not dress, casket or cosmetise human remains for Ms. Freeman, and that he always leaves the embalmed remains at Establishment A.

⁴ The incident at the Respondent-Establishment observed by the Investigator occurred at approximately 10:20 a.m.

30. Mortician A stated that over the past four-to-five years he has had knowledge that Ms. Freeman dressed, cosmetised, and casketed human remains at the Respondent-Establishment, an "arrangements only" facility. He further stated that Ms. Freeman regularly holds first viewings for decedents at the Respondent-Establishment.

31. Mortician A also stated that approximately two weeks prior, on his most recent visit to the Respondent-Establishment to pick up his paycheck, he observed human remains on the premises.

32. Mortician A informed the Investigator that Decedent B's remains had been taken to a storefront church in District Heights, Maryland. The Investigator visited the church, accompanied by a sergeant from the District Heights Police Department, in an attempt to identify Decedent B's remains. However, no one answered the door at the church.

33. On September 14, 2010, the Investigator spoke with Ms. Freeman by telephone, and Ms. Freeman denied the presence of human remains at the Respondent-Establishment.

34. However, on September 23, 2010, Ms. Freeman admitted to the Investigator that she has brought human remains to the Respondent-Establishment "from time to time."

35. In furtherance of the investigation, the Investigator spoke with Mortician B (at Establishment A), who stated that since 2007 Ms. Freeman has never dressed or casketed any human remains at Establishment A. However, "all of a sudden, last week [the week of September 13, 2010]," Ms. Freeman has had caskets delivered to Establishment A and has been dressing and casketing human remains at that location.

36. Also in furtherance of the investigation, the Investigator spoke with a recent decedent's ("Decedent C") son, who identified the Respondent-Establishment's arrangements-only establishment as the location of Decedent C's first viewing.⁵

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. § 7-316(a)(2) Fraudulently or deceptively uses a license; and (27) Commits an act of unprofessional conduct in the practice of mortuary science.

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 19th day of November 2010, by a majority of the Board:

ORDERED that the **SUMMARY SUSPENSION** of the Respondent-Establishment's license to operate as a restricted funeral establishment in the State of Maryland under license number E00428 is hereby **LIFTED**; and it is further

ORDERED that the Respondent-Establishment's license to operate as a restricted funeral establishment in the State of Maryland is hereby **SUSPENDED** for a period of **THIRTY (30) DAYS**, all of which is immediately **STAYED**; and it is further

ORDERED that upon reinstatement, the Respondent-Establishment's license to practice as a restricted funeral establishment in the State of Maryland is placed on **PROBATION** for a period of **ONE YEAR**, subject to the following terms and conditions:

1. Before the expiration of the probationary period, the Respondent-Establishment shall pay a fine in the amount of **\$1,000.00** to the Board by certified

⁵ Decedent C was dressed, cosmetised and casketed prior to the viewing.

check, payable to the "Maryland Board of Morticians and Funeral Directors," at the following address: Maryland Board of Morticians and Funeral Directors, 4201 Patterson Avenue, Baltimore, Maryland 21215;

2. Within fifteen (15) days of the effective date of the Consent Order, the Respondent-Establishment shall engage, at its own expense, a Board-approved standard of practice mentor to provide mentoring services with regard to all applicable stages of the handling of human remains, consistent with current licensure, from initial possession to final disposition. The Respondent-Establishment shall provide the standard of practice mentor with a copy of this Consent Order prior to the initial mentoring session, and the Board may release to the standard of practice mentor any portion of the investigative file as is deemed necessary by the Board and/or the standard of practice mentor, provided that a copy of the investigative file is also released to the Respondent-Establishment. The number of mentoring sessions is subject to the standard of practice mentor's discretion;

3. The standard of practice mentor shall provide the Board with a written report at the conclusion of the final mentoring session;

4. The Respondent-Establishment shall abide by any and all recommendations made by the standard of practice mentor. Failure to cooperate and/or failure to abide by the standard of practice mentor's recommendations shall be deemed a violation of the Order;

5. The Respondent-Establishment shall be subject to random, unannounced inspections during the probationary period; and

6. The Respondent-Establishment's failure to pass the Board's inspections may be deemed a violation of this Consent Order; and it is further

ORDERED that after **ONE (1) year** from the date of this Consent Order, the Respondent-Establishment may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent-Establishment has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints against the Respondent-Establishment; and it is further

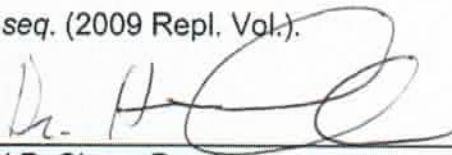
ORDERED that if the Respondent-Establishment violates any of the terms and conditions of Probation and this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty, said allegations of violation of the terms and condition of this Consent Order shall be proven by a preponderance of the evidence; and it is further

ORDERED that the Respondent-Establishment shall practice according to the Maryland Morticians and Funeral Directors Act and in accordance with all applicable laws, statutes and regulations; and it is further

ORDERED that the Respondent-Establishment shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; 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.* (2009 Repl. Vol.).

11/23/10
Date


Dr. Hari P. Close, President
Maryland Board of Morticians and Funeral Directors

CONSENT

I, Glenda Freeman, owner and operator of Freeman Funeral Services, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 counsel, to confront witnesses, to give testimony, to call witnesses on our own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I waive our right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and

terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

11/23/10
Date

Glenda M. Freeman
Glenda Freeman, Freeman Funeral Services

Reviewed and approved by:

Donald Temple, Esq.
Donald Temple, Esq.
Attorney for the Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Montgomery:

I HEREBY CERTIFY that on this 23 day of November, 2010, before me, a Notary Public of the foregoing State personally appeared Glenda Freeman made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Ernesto-Hernan Siciliano
Notary Public

My Commission Expires: May 20, 2011

Ernesto-Hernan Siciliano
Notary Public
Montgomery County, State of Maryland
My Commission Expires May 20, 2011