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IN THE MATTER OF

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BEFORE THE STATE

GLEND A FREEMAN

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BOARD OF MORTICIANS

Respondent

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AND FUNERAL DIRECTORS

LICENSE NUMBER: M01010

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CASE NUMBER: 10-068

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CONSENT ORDER

On DATE, the Maryland Board of Morticians and Funeral Directors (the "Board"), charged the morticians license of **GLEND A FREEMAN** (the "Respondent"), License Number **M01010** 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 under the following provisions of the Act:

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

(a) In general. – Subject to the hearing provisions in § 7-319 of this subtitle and except as to a funeral establishment license, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (26) Commits an act of unprofessional conduct in the practice of mortuary science[.]

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 agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Respondent was initially licensed to practice mortuary science in the State of Maryland under license number M01010 on April 13, 1994. The Respondent's license is current and will expire on April 30, 2012.

2. The Respondent is also licensed in the District of Columbia ("D.C.") (FD925) and the Commonwealth of Virginia (0502900355). Her D.C. and Virginia licenses are current.

3. At all times relevant to the statements herein, the Respondent owned and operated Freeman Funeral Services ("FFS") (E00428) located at 4594 Beech Road, Temple Hills, Maryland 20748. FFS is a restricted "arrangements only" funeral establishment that is permitted to conduct at-need and pre-need arrangements. FFS is not permitted to prepare human remains for final disposition or hold viewings at its Beech Road facility.

4. At all times relevant to the statements herein, the Respondent was the supervising mortician at FFS.

5. Pursuant to a contract dated June 25, 2007 between the Respondent and Establishment A¹, the latter agreed to provide "embalming and ordinary care and housing of human remains" for the Respondent'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 the Respondent.

¹ 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.

7. Subsequently, the Board opened an investigation.
8. On June 20, 2010, the Respondent 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 FFS 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.
10. According to Client A, a viewing was scheduled to take place at FFS 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., the Respondent informed Client A that because the Respondent had not verified Decedent A's life insurance policy, her family would not be allowed to view the body that evening. The Respondent further stated that FFS 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 the Respondent that the claim was being processed and that payment would be rendered to FFS 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 [the Respondent]," Client A and her family were permitted to view Decedent A's remains at FFS's "arrangements only" location.

However, during this time, the Respondent denied Decedent A's family privacy, remained in the "viewing room"² with the family, and continued to demand payment.

14. According to Client A, the Respondent 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 the Respondent, although she could not afford to do so.

15. Client A further stated that while driving to her mother's funeral she received approximately five "harassing" telephone calls from the Respondent, requesting the claim affidavit from the insurance company. According to Client A, the Respondent'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 FFS 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 FFS in furtherance of her investigation of Complaint #1 and to conduct a routine inspection.

² Decedent A's viewing was held in FFS's conference room, where the Respondent meets with clients to make arrangements. The conference room table was removed to accommodate Decedent A's casket.

19. Upon arrival, the Investigator observed a white-paneled removal vehicle approach FFS'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 FFS.

20. The Investigator approached FFS 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, the Respondent's office manager answered the door and stated that the Respondent was not available. The office manager beckoned the Investigator to enter the building quickly, but the Investigator refused and remained outside. At that time, FFS's garage door opened and the Investigator observed a hearse exit quickly. The Investigator attempted to stop the hearse but the female driver did not 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 the Respondent 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 FFS'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 the Respondent. Mortician A stated that on the weekend of September 11, 2010, he embalmed two bodies for the Respondent, one of which was a 350-pound male ("Decedent B").

26. The Investigator contacted Establishment A, where the Respondent 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 FFS.

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 the Respondent is not legally permitted to store human remains elsewhere.

28. Mortician A further stated that the Respondent "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.³ Mortician A stated that he often places casket orders for the Respondent 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 the Respondent and FFS. Mortician A stated that he does not dress, casket or cosmetise human remains for the Respondent, and that he always leaves the embalmed remains at Establishment A.

30. Mortician A stated that over the past four-to-five years he has had knowledge that the Respondent dressed, cosmetised, and casketed human remains at

³ The incident at FFS observed by the Investigator occurred at approximately 10:20 a.m.

FFS, an "arrangements only" facility. He further stated that the Respondent regularly holds first viewings for decedents at FFS.

31. Mortician A also stated that approximately two weeks prior, on his most recent visit to FFS 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 the Respondent by telephone, and the Respondent denied the presence of human remains at FFS.

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

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

36. Also in furtherance of the investigation, the Investigator spoke with a recent decedent's ("Decedent C") son, who identified FFS's arrangements-only establishment as the location of Decedent C's first viewing.⁴

37. A review of the Respondent's licensure file and renewal applications revealed that the Respondent failed to disclose discipline against her D.C. license to practice mortuary science.

38. The Respondent's D.C. license was suspended from January 18, 2005 until April 18, 2005 after the D.C. Board of Funeral Directors determined that the Respondent engaged in misrepresentation or fraud in the conduct of a funeral establishment.

39. On the Respondent's renewal applications dated May 16, 2006, the Respondent answered, "no" to all of the character and fitness questions, including:

2(a). Has any State Licensing or Disciplinary Board or a comparable body in the Armed Service denied your application for licensure, reinstatement or renewal, or taken action against your license, including but not limited to reprimand, suspension, or revocation?

40. By answering, "no" to question 2(a) on her 2006 renewal application, the Respondent failed to disclose the discipline against her D.C. license.

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) (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; (2) Fraudulently or deceptively uses a license; and (27) Commits an act of unprofessional conduct in the practice of mortuary science.

⁴ Decedent C was dressed, cosmetised and casketed prior to the viewing.

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 Respondent's license to operate as a practice mortuary science 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's license to practice mortuary science 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 shall pay a fine in the amount of **\$1,000.00** to the Board by certified 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 six (6) months of the effective date of the Consent Order, the Respondent shall successfully complete a Board-approved ethics course and provide written documentation of the same to the Board;
3. Within fifteen (15) days of the effective date of the Consent Order, the Respondent shall engage, at her 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 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. The number of mentoring sessions is subject to the standard of practice mentor's discretion;

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

5. The Respondent 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;

6. The Respondent's funeral establishment shall be subject to random, unannounced inspections during the probationary period; and

7. The Respondent'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 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 has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints against the Respondent; and it is further

ORDERED that if the Respondent 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 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 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 Freeman
Glenda Freeman

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.

Hernan Scillano

Notary Public

My Commission Expires: May 20, 2011

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