

**IN THE MATTER OF
JOHN J. HAFER, Jr.**

License Number M00262

Board Case Number 13-016

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

PROPOSED DRAFT #1

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Morticians and Funeral Directors (the “Board”) and John J. Hafer, Jr. (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.), specifically H.O. §7-316(a)(5) when he aided and abetted an unauthorized person in the practice of mortuary science.

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 M00262.

2. At all times relevant, the Respondent has operated and is the supervising mortician for Hafer Funeral Service, PA, T/A Chapel of the Hills Mortuary, 1302 National Highway, Lavale, Maryland, license number E00106 and Hafer Funeral Service, P.A., 58 Frost Avenue, Frostburg, Maryland, license number E00107.

3. The Board's investigation of allegations of unlicensed practice revealed that unlicensed Individual A¹ met with families for the purpose of making funeral arrangements.

4. The Board's inspector met with Individual A who made funeral arrangements with him.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§ 7-316(a)(5), aiding and abetting an unauthorized individual in the practice of mortuary science.

ORDER

¹ The identity of Individual A is maintained among the Board's records.

ORDERED that the Respondent's license to practice mortuary science in Maryland shall be **SUSPENDED** for a period of thirty (30) days beginning no later than sixty (60) days from the effective date² of this Order; and it is further

ORDERED that no later than sixty (60) days from the effective date of the Order, but prior to the Respondent commencing the period of suspension, the Respondent shall provide the Board, for approval, the name of the Maryland licensed mortician who, for an indefinite period of time, will be supervising the day to day business activities of the Respondent's funeral establishments; and it is further

ORDERED that the Respondent, while suspended, shall not be involved in the day to day business activities of the Hafer funeral establishments; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of one (1) year to commence on the date his license is reinstated; and it is further

ORDERED that the Respondent shall, prior to the reinstatement of his

² The effective is the Order is accepted by the Board.

license to practice mortuary science, document to the Board that he has made an anonymous donation to the Family Security Trust Fund³ in the amount of five hundred (\$500.00); and it is further

ORDERED that no earlier than one (1) year from the date of reinstatement of his license 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 return his Maryland Morticians license number M00262 to the Board to be held for the duration of the period of suspension; 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 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

³ Established under H.O. § 7-4A-01 *et. seq.*

defined in Md. State Gov't Code Ann. §§ 10-611 et seq. (2009).

12/12/12
Date


Hari Close
President

CONSENT

I, John J. Hafer, Jr., License Number M00262, by signing this Consent agree to the findings of fact and conclusions of law and further 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.

11/12/12

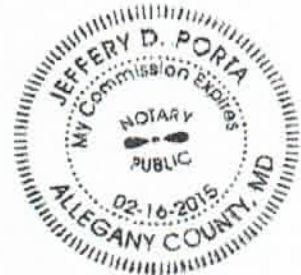
Date

John J. Hafer, Jr.
John J. Hafer, Jr.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF ALLEGANY



I HEREBY CERTIFY that on thisday _____ of _____
NOVEMBER 12, 2012, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared John J. Hafer, Jr. and made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Jeffery D. Porta
Notary

Public My Commission Expires: 2-16-2015