

IN THE MATTER OF

\* BEFORE THE MARYLAND

PATRICIA JOLLEY

\* STATE BOARD OF MORTICIANS

Respondent

\* AND FUNERAL DIRECTORS

License Number M00321

\*

\* Case Number: 14-036

\*\*\*\*\*

**PRE-CHARGE CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland State Board of Morticians and Funeral Directors (the "Board") and Patricia Jolley (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 her 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)(26) and H.O. §7-405(a)(3)(i)(1) when in the course of selling pre-need funeral arrangements funded by buyers' life insurance policies, she became the owner/beneficiary of these policies.

### 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 M00321.
2. The Respondent acknowledges that over time she has been made the owner/beneficiary of buyers' life insurance policies used for funding pre-need contracts.
3. The Respondent indicates that, in spite of her having advised the insurance company that she cannot be owner/beneficiary of polices used for funding pre-need contract, the company continued using the same forms.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§7-316(a)(26) and 7-405(a)(3)(1)(i).

### ORDER

**ORDERED** that the Respondent's license to practice mortuary science in Maryland shall be **SUSPENDED** for a period of five (5) days beginning on the date of the Board's acceptance of this document; and it is further

**ORDERED** that the Respondent shall be placed on **PROBATION** for a period of two (2) years to commence on the date her license is reinstated; and it is further

**ORDERED** that the Respondent may not petition the Board for termination of her probationary status before one (1) year from the date of reinstatement has elapsed. It shall be within the Board's discretion to grant such a request; and it is further

**ORDERED** that the Respondent shall return her Maryland mortician license number M00321 to the Board to be held for the duration of the period of suspension; and it is further


**ORDERED** that the Board may in its discretion over the period of probation, conduct periodic audit of the Respondent's pre-need accounts; 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 defined in Md. State Gov't Code Ann. §§ 10-611 et seq. (2009).

Acceptance Date 5/14/14

  
Victor C. March, Sr.  
President

**CONSENT**

I, Patricia Jolley, License Number M00321, 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.

5/12/2014  
Date

Patricia Jolley  
Patricia Jolley

**NOTARY**

STATE OF MARYLAND

CITY/COUNTY OF Wicomico

I HEREBY CERTIFY that on this 12<sup>th</sup> day of May, 2014, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared Patricia Jolley, 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.  
Notary Public My Commission Expires: May 1, 2018

Gloria A. Beach  
GLORIA A. BEACH

