

**IN THE MATTER OF  
JAMES A. MORTON & SONS  
FUNERAL HOMES, INC.**

**Respondent**

**License Numbers E00178 & E00179**

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**BEFORE THE MARYLAND  
STATE BOARD OF  
MORTICIANS AND  
FUNERAL DIRECTORS  
Case Number 18-006**

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**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

On October 4, 2017, the Maryland State Board of Morticians and Funeral Directors (the “Board”) summarily suspended the funeral establishment licenses held by James A. Morton & Sons Funeral Homes, Inc., (the “Respondent”), license numbers E00178 and E00179. The Board took such action pursuant to its authority under Md. Code Ann., State Govt. II § 10-226(c)(2) (2014), concluding that the public health, safety and welfare imperatively required emergency action.

In lieu of a hearing, the parties have agreed to enter into this Consent Order to resolve the summary suspension.

**FINDINGS OF FACT**

The Board makes the following findings of fact:

1. At all times relevant to this Order, the Respondent was and is a corporation operating two licensed funeral establishments in the State of Maryland.
2. The establishments are located at 311 Main Street, Baltimore, Maryland 21222 (license number E00178) and 1701 Laurens Street, Baltimore, Maryland 21217 (license number

E00179). The Respondent's establishment licenses were summarily suspended by the Board on October 4, 2017.

3. On November 28, 2016, the Board received the renewal applications for both of the Respondent's establishment licenses. The supervising mortician listed for both establishments was a licensed mortician ("Supervising Mortician A").

4. On May 12, 2017, the Board received a form registering another licensed mortician as the new supervising mortician for both of the Respondent's establishments ("Supervising Mortician B").

5. On August 15, 2017, the Board received a letter from Supervising Mortician B informing the Board that Supervising Mortician B had resigned from both establishments, effective immediately.

6. At the time of the Board's entry of summary suspension on October 4, 2017, the Respondent had failed to name a new supervising mortician or an interim supervising mortician for either establishment within thirty (30) days of Supervising Mortician B's resignation.

7. Subsequent to the Board's entry of summary suspension, the Respondent submitted documentation to the Board indicating that it had hired a new supervising mortician for both establishments.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that the public health, safety and/or welfare no longer imperatively requires emergency action in this case under Md. Code Ann., State Gov't II § 10-226(c)(2) (2014).

#### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the **SUMMARY SUSPENSION** of the Respondent's funeral establishment licenses in the State of Maryland, License Numbers E00178 and E00179, as ordered by the Board in its October 4, 2017 Order is hereby **LIFTED AND TERMINATED**, and that the Respondent's licenses to practice as a funeral establishment in the State of Maryland, are hereby **REINSTATED** without restrictions; and it is further

**ORDERED** that the Respondent is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent shall not be without a supervising mortician or interim supervising mortician; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Morticians and Funeral Directors Act, Md. Code Ann., Health Occ. ("H.O.") §§ 7-101 *et seq.*; and it is further

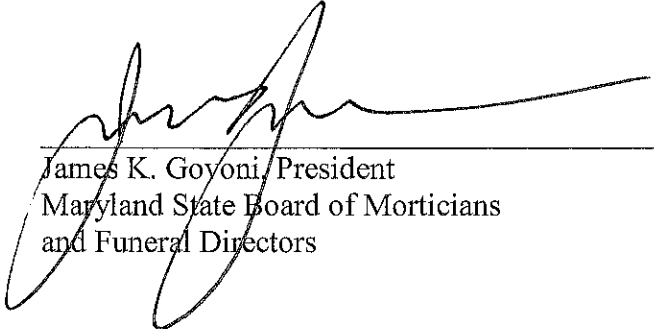
**ORDERED** that the Respondent shall, at all times, cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Respondent shall be responsible for any costs associated with the compliance of this Consent Order; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of the Consent Order, 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 H.O. § 7-316 including probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

**ORDERED** that this document constitutes a Final Order of the Board and is therefore a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions §§ 4-101 *et seq.*

11/8/17  
Date



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James K. Goyoni, President  
Maryland State Board of Morticians  
and Funeral Directors

CONSENT

I, DAVID L. MORTON <sup>J. JOANITA</sup> <sub>MORTON</sub>, an authorized agent of the Respondent,

acknowledge that the Respondent has had the opportunity to consult with counsel at this and all stages of this matter. I understand that this Consent Order will resolve the investigation against the Respondent in this matter in lieu of charges and a formal evidentiary hearing. By this Consent, the Respondent is hereby bound by the terms of this Consent Order. I acknowledge under oath that the Respondent, in fact, committed the specific violations as set forth above. I acknowledge under oath the accuracy of the Findings of Fact and the validity of the Conclusions of Law contained in the Consent Order. I acknowledge that for all purposes, the Findings of Fact and Conclusions of Law will be treated as if proven and/or as if entered into after the conclusion of a formal evidentiary hearing in which the Respondent would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf, and to all other substantive and procedural protections provided by law. The Respondent agrees to forgo the opportunity to challenge these Findings of Fact and Conclusions of Law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that the Respondent waives the right to appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Consent Order. I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

Date 11/6/2017

Juanita G. Morton  
David L. Morton  
Signature of Agent  
Juanita G. Morton  
DAVID L. Morton  
Printed Name of Agent

**NOTARIZATION**

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 6 day of NOV,

2017, before me, Notary Public of the State and City/County aforesaid, personally appeared

David L. Morton + Juanita G. Morton (Agent), and made oath in due form

of law that signing the foregoing Consent Order was his/her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

SEAL

Richard F. Muehle  
Notary Public

My Commission Expires: 2018