

**IN THE MATTER OF
VALERIE S. POLYNIAK**

**License Number M00464
Board Case Number 14-032**

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

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Morticians and Funeral Directors (the "Board") and Valerie S. Polyniak (the "Respondent") have agreed, in lieu of the Board's filing formal charges, to enter into 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.).

BACKGROUND

In March 1994 the Decedent¹ in this matter signed a pre-need funeral arrangements contract with the Respondent's Brooklyn funeral home through the Respondent's Employee A,² a Maryland licensed mortician. The contract included cemetery charges³ which were guaranteed under the contract. At the time of the Decedent's death, Employee A would not honor the contract causing the family additional expense over the contract price. The Respondent is the supervising mortician for the funeral home.

In an effort to resolve this matter, the Board invited the Respondent to participate in a Pre-

¹ The Decedent's identity is among the Board's records.
² The identity of Employee A is part of the Board's investigative file.
³ The contract is maintained as part of the Board's investigative file.

Charge Complaint Resolution Conference (CRC) on March 12, 2014. The CRC panel and the Respondent agreed, subject to Board approval, that she would refund the appropriate family member \$1500.00,

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 M00464.
2. At all times relevant, the Respondent has been and continues to be the supervising mortician for establishment E00160.
3. In March 1994, the Respondent's Employee A concluded a pre-need funeral arrangements contract with the Decedent who passed away in December 2013.
4. The contract specifically states that "total cemetery charges for burial are included in above stated pricing."
5. At time of Decedent's death in December 2013, Employee A would not honor the above referenced guarantee.
6. As a result of Employee A's refusal, the Decedent's family incurred a \$1529.00 out of pocket cemetery expense.
7. At time of the Decedent's death in December 2013, Respondent was recuperating from illness and unaware that employee had failed to honor the contract.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§7-101 *et seq.*

ORDER

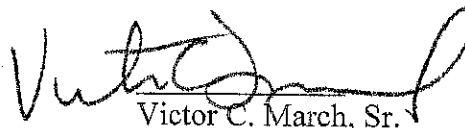
ORDERED that within sixty (60) days from the date of this Order, the Respondent shall document to the Board that she has reimbursed the appropriate party fifteen hundred dollars

(\$1529.00); and it is further

ORDERED that the Respondent shall comply with and practice within all statutes and regulations governing the practice of mortuary science in the State of Maryland; 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 6/11/2014


Victor C. March, Sr.
President

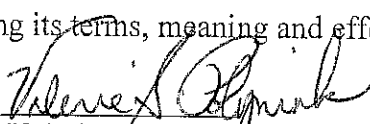
CONSENT

I, Valerie S. Polyniak, License Number M00464, 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.

5/28/14
Date


Valerie S. Polyniak

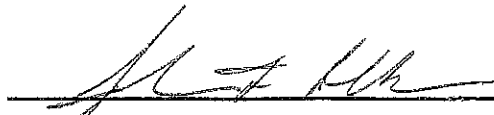
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 28th day of MAY, 2014, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared Valerie S. Polyniak, and made oath in due form of law that the foregoing Consent was her voluntary act and deed.

AS WITNESS my hand and notarial seal.



Notary Public

My Commission Expires: JUNE 19, 2015