

IN THE MATTER OF
THOMAS J. SKARDA, JR.
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF
* MORTICIANS AND
* FUNERAL DIRECTORS
*
* CASE NUMBER: 10-2008

* * * * *

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Morticians and Funeral Directors (the "Board") and Thomas J. Skarda, Jr. (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 his right to a hearing and agrees to be sanctioned by the Board. This Pre-Charge Consent 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.).

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 M00532.
2. A routine inspection of the Respondents funeral establishment conducted pursuant to H.O. §7-205(a)(8) revealed, among other things, that, other than a spiral notebook (the "notebook") in which he logged a name and amount of funds received, the respondent maintained no records of pre-need transactions, including arrangements, deposits and disbursal of funds; and that death certificates were either incorrectly prepared or non existent.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent failed to adhere to the pre-need requirements of H.O. § 405 *et seq.*, a violation of H.O. §§ 7-316(a)(18); and that his actions were unprofessional in nature, a violation of H.O. § 7-316(a)(26).

ORDER

ORDERED that the Respondent shall be placed on **PROBATION** for a period of one (1) year to commence from the effective date of this Order; and it is further

ORDERED that beginning from the effective date of this Order, the Respondent shall be subject to the following terms and conditions:

1. The Respondent shall be mentored, at his expense, by Tim Harmon (the "Mentor") a Board approved mentor who shall:
 - a. Provide the Respondent with all Board required forms;
 - b. Assist the Respondent in correcting all known record keeping deficiencies;
 - c. Mentor the Respondent regarding all aspects of funeral home record keeping;
2. The Respondent shall:
 - a. Provide the Mentor access to all records pertaining to funeral arrangements;
 - b. Provide written authorization to enable the Mentor to communicate with banking institutions with which the Respondent conducts business, with attorneys representing clients who have funeral arrangements with the Respondent, and with the Board;
 - c. Secure contracts for all monies collected for persons who remain living along with proof of power of attorney;
 - d. Prepare death certificates for names logged in the notebook where monies are

no longer in the escrow account;

- e. Correct all necessary death certificates and amend where information isn't correct; and
- f. Provide proof that current 1099s have been mailed to the responsible party for tax filing or for payment.

3. The Respondent shall, no later than March 9, 2010, update all accounts with appropriate forms and provide the Board with an accounting of all preneed funds collected for each name logged in his notebook, whether deposited or disbursed;

4. The Respondent shall, no later than March 9, 2010 secure and begin utilizing appropriate forms required for inspection;

5. The Respondent shall, no later than March 9, 2010, secure and begin utilizing appropriate forms needed for "at need" transactions;

6. The Respondent shall immediately upgrade, to the Board's satisfaction, the first floor restroom signage alerting the public that the restroom is located downstairs; and it is further

ORDERED; that the Respondent shall maintain all future accounts and records in compliance with Board statute and regulations and that all documents, including deposit slips, bank statements, and contracts shall be maintained and available on site at his funeral home for inspection audit; and it is further

ORDERED that the Board may, at its discretion, make periodic unannounced audit inspections of the Respondents Funeral home; and it is further

ORDERED that failure to cooperate with the Mentor shall be deemed a violation of this Order; and it is further

ORDERED failure to cooperate with the Board's investigator shall be deemed a violation of this Order; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Order;
and it is further


ORDERED that no earlier than one (1) year from the effective date of this Order, 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 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. (2004).

2-23-10
Date


Hari Close
President

CONSENT

I, Thomas J. Skarda, Jr. , License Number M00532, by signing this Consent agree to be bound by the terms and conditions of the foregoing Pre-Charge Consent Order.

By signing this Consent I submit to its terms and conditions of the Pre-charge Consent Order as a resolution to this matter and waive my right to contest the terms and findings herein and all challenges legal or otherwise to the proceedings before the Board.

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 and sign it voluntarily, understanding its terms, meaning and effect.

Feb 23, 2010
Date

Thomas J. Skarda Jr.
Thomas J. Skarda, Jr.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Howard County MD.

I HEREBY CERTIFY that on this 23rd day of February, 2010, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared Thomas J. Skarda, 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.

Marc C. Ware

Notary Public

My Commission Expires: September 9 2013

