

**IN THE MATTER OF
JOHN T. STEWART, III**

**License Number M00560
Board Case Number 10-064**

*** 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 John T. Stewart, III (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 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, who operates a funeral home in Washington, D.C., was and is licensed to practice mortuary science in the State of Maryland under license number M00560.
2. The remains of Decedent A ¹ were held by the Respondent from the date of death, November 19, 2009, until the date of burial, August 31, 2010.
3. On November 30, 2009 the Respondent filed a death certificate with the State of Maryland, Division of Vital Records, attesting to burial of Decedent A on November 28, 2009 at Lincoln Memorial Cemetery in Suitland, Maryland.
4. On August 31, 2010, the Respondent filed a document with the Division of Vital Records correcting the date of burial of Decedent A from November 28, 2009 to August 31, 2010, and the

¹ The identity of the deceased is among the Board's records.

cemetery to Heritage Memorial Cemetery, Waldorf, Maryland.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§ 7-316(a)(20) and (26).

ORDER

ORDERED that the Respondent's license to practice mortuary science in Maryland shall be **SUSPENDED** for a period of five (5) days beginning from the effective date of the Order²; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of six (6) months to commence on the date his mortician's license is reinstated; and it is further

ORDERED that no later than thirty (30) days from the effective date of this Order, the Respondent shall pay a fine to the Board in the amount of two thousand dollars (\$2,000.00); and it is further

ORDERED that no earlier than six (6) months 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 return his Maryland Mortician's license number M00560 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

² The effective of the Order is the date of Board acceptance.

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).

4/13/11, AT 4:30 P.M.
Date


Dr. Hari P. Close II
President

CONSENT

I, John T. Stewart, III, License Number M00560, by signing this Consent 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 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.

3-30-2011
Date


John T. Stewart, III

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 30 day of March, 2011, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared John T. Stewart, III, 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.

Deborah R. Lilly
Notary Public

My Commission Expires: 8/10/2011