

IN THE MATTER OF  
DONALD C. WARFIELD  
LICENSE NUMBER: M01402

Respondent

\* BEFORE THE  
\* BOARD OF MORTICIANS  
\* AND FUNERAL DIRECTORS  
\* CASE NUMBER: 11-007

\* \* \* \* \*  
ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Morticians and Funeral Directors (the "Board") hereby **SUMMARILY SUSPENDS** the license of **DONALD C. WARFIELD** (the "Respondent"), License Number **M01402** (D.O.B. 05/18/1962), to practice mortuary science in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. ("S.G.") § 10-226(c) (2009 Repl. Vol. and 2010 Supp.) concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on the information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

1. The Respondent was initially licensed to practice mortuary science in the State of Maryland under license number M01402 on May 12, 2004. The Respondent's license is current and will expire on April 30, 2012.

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<sup>1</sup> The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

2. At all times relevant to the statements herein, the Respondent was a mortician employed by Sol Levinson & Bros., Inc. ("Sol Levinson"), a funeral establishment located at 8900 Reisterstown Road, Baltimore, Maryland 21208.

3. On or about January 10, 2011, the Board received information that a Sol Levinson employee had been arrested and charged with indecent exposure. Thereafter, the Board initiated an investigation.

4. The Board's investigation revealed that on January 6, 2011, a female ("Witness A") observed an individual, later identified as the Respondent, parked in front of Ridgely Middle School in a silver minivan.

5. According to Witness A, because the minivan was parked in the wrong direction on the street, she believed that the driver needed directions. Witness A approached the driver's side window, which was down.

6. Witness A stated that as she approached the vehicle, the Respondent lifted his body to reveal his unclothed lower body and genitals. According to Witness A, the Respondent was masturbating.

7. According to Witness A, the Respondent "smirked" and "made no effort to rush away."

8. Witness A attempted to use her cellular telephone to photograph the minivan's rear license plate, but it was concealed with white duct tape. Witness A called the police as the Respondent drove away.

9. A passing motorist ("Witness B") stopped to inquire about Witness A's well-being and Witness A explained what had occurred. Witness A asked Witness B to follow the Respondent's minivan.

10. Shortly thereafter, a 911 dispatcher received a telephone call from Witness B who provided a possible license plate number for the minivan.

11. Using this information, the police identified the minivan as being registered to Sol Levinson.

12. Baltimore County Police contacted Sol Levinson to inquire about the minivan. A Sol Levinson employee ("Employee A") stated that the minivan did belong to Sol Levinson, and that the Respondent had been dispatched that morning, in one of Sol Levinson's minivans, to the Lutherville area to retrieve prayer books from a residence.

13. Baltimore County Police recognized the Respondent's name as a former Baltimore County Police Officer who was charged with indecent exposure several years ago in Glen Rock, Pennsylvania.<sup>2</sup>

14. Baltimore County Police attempted to interview the Respondent at Sol Levinson on the date of the alleged incident, but the Respondent had left the premises and refused to return.

15. On January 8, 2011, the Respondent turned himself in to Baltimore County Police. He was arrested and charged with indecent exposure in violation of Md. Crim. L. Code Ann. § 11-107. The Respondent was released on \$30,000 bail.

16. Sol Levinson terminated the Respondent's employment.

17. In furtherance of the Board's investigation, the Board reviewed the Respondent's 2003, 2004, 2006, 2008 and 2010 applications for renewal of licensure.

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<sup>2</sup> In February 1996, the Respondent pleaded guilty to one count of open lewdness stemming from an incident in which he was seen fondling himself while standing at a window in his home. Two girls, ages 11 and 16, observed the Respondent as they waited at a nearby bus stop. At the time, the Respondent was both the mayor of Glen Rock, Pennsylvania, as well as a Baltimore County Police Officer in charge of a police youth program at a Baltimore middle school. The Respondent was fined \$500 and ordered to pay court costs of \$77.

18. The Board's investigation revealed that on all five applications, the Respondent failed to disclose his 1996 conviction for open lewdness in Pennsylvania.

19. In 2003, 2004, 2006, 2008 and 2010, the Respondent answered, "N" to the following question, "5. Have you pled guilty, nolo contendere, or been convicted of, or received probation of any criminal act (excluding traffic violations)?"<sup>3</sup>

20. Further, on all of his applications, the Respondent affixed his signature under the following statement: "I affirm that the contents of this document are true and correct to the best of my knowledge and belief."<sup>4</sup>

### CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes that the public health, safety, and welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2).

### ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 20<sup>th</sup> day of January 2011, by a majority of the Board:

**ORDERED** that the license issued to the Respondent to practice mortuary science in the State of Maryland under license number M01402 is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that the Respondent is prohibited from practicing mortuary science the State of Maryland; and it is further

<sup>3</sup> In 2006, the wording of the question was changed to add "probation before judgment". In 2008, the wording of the question changed to include driving while intoxicated and controlled dangerous substance offenses.

<sup>4</sup> In 2008, the attestation statement was revised and the following was added: "Failure to provide truthful answers may result in disciplinary action."

**ORDERED** that a post-deprivation hearing on the Summary Suspension has been scheduled for **Wednesday, February 9, 2011 at 9:00 a.m.** at the State Board of Morticians and Funeral Directors, 4201 Patterson Avenue, Baltimore, Maryland 21215; and be it further

**ORDERED** that the Respondent shall immediately return all licenses to the Board; and it is further

**ORDERED** that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** as defined in Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol. and 2010 Supp.).

1/20/11

Date



Dr. Hari P. Close, President  
Maryland Board of Morticians and Funeral Directors