

**IN THE MATTER OF**  
**WILLIAM CHAMBERS**  
**License Number M00091**

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

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**CONSENT ORDER OF PROBATION**

On or about March 25, 2016, the Maryland State Board of Morticians and Funeral Directors (the "Board") conducted a routine inspection of a funeral establishment in Riverdale, Maryland. Based upon the findings of that inspection, the Board initiated an investigation. As a result of that investigation, on July 13, 2016, the Board met with William Chambers (the "Respondent") in an attempt to settle the matter prior to the issuance of formal charges. Subsequently, the Respondent and the Board agreed to the following Consent Order.

**FINDINGS OF FACT**

The Board finds that:

1. At all times relevant, the Respondent was licensed to practice mortuary science in the State of Maryland, license number M00091, and was the supervising mortician of a funeral establishment in Riverdale, Maryland (hereinafter, the "Establishment").
2. On or about March 25, 2016, the Board conducted a routine inspection of the Establishment. During that inspection, the inspector audited several pre-need contract files. While the audited files did contain the pre-need contracts, copies of the received checks, and copies of the deposit slips, the files did not contain any bank statements. The Respondent stated that he was unable to produce any bank statements. The Board inspector advised the Respondent

to forward any bank statements for the audited pre-need contracts to the Board.

3. On or about April 13, 2016, the requested documents were forwarded to the Board. Those documents indicated that pre-need funds were deposited into a single bank account. The statement also indicated that the Establishment also held pre-need funds in certificates of deposit.

4. In addition, according to the bank statement provided, the account was held in the name of the Establishment. The statement showed no indication that the Establishment's pre-need accounts were separated and individually identified by purchaser number and social security number.

5. Maryland law requires that a pre-need escrow or trust account be "[e]stablished using the name, address, and Social Security number of the buyer." Md. Code Ann., Health Occ. § 7-405(d)(3)(ii). In addition, pre-need escrow or trust accounts are not assets of any licensee or establishment. *See* Md. Code Ann., Health Occ. § 7-405(d)(3)(i). In this case, based upon the pre-need records inspected, the pre-need funds for the Establishment maintained in accounts held in the name of the Establishment. Further, the pre-need accounts were not established in the name or social security number of the buyer in violation of Maryland law.

6. As the supervising mortician, the Respondent is held responsible for "all activities performed on behalf of the funeral establishment with [his] knowledge." Md. Code Ann., Health Occ. § 7-310(e)(5)(i). Thus, the Board finds that the Respondent is responsible for the Establishment's failure to comply with Maryland law regarding pre-need funds, specifically the failure to maintain separate accounts, established in buyer's name and social security number, for each pre-need holder.

7. The Board notes that the Respondent has made efforts at bringing his pre-need accounts into compliance.

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 7-316(a)(26) (“Commits an act of unprofessional conduct in the practice of mortuary science”).

### ORDER

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

**ORDERED** that the license of the Respondent to practice mortuary science in the State of Maryland is placed on **PROBATION** for a minimum of **ONE (1) YEAR** subject to the following terms and conditions:

1. The Respondent’s status as a mortician be listed in the Board's computer records and website as being on “**Probation**”;
2. For the pendency of the Respondent’s probation, the Respondent shall obtain a Board-approved mentor (the “Mentor”), who shall meet with the Respondent at least twice per month and as necessary to review and consult the Respondent’s administration of pre-need accounts and compliance with Maryland pre-need law. For purposes of satisfying this condition, the Respondent shall, within **FIFTEEN (15) DAYS** from the date of this Order, submit a list of at least **TWO (2)** proposed candidates for mentoring to the Board for its review and approval. These candidates shall be licensed morticians or funeral directors in the State of Maryland that are

presently in good standing with the Board. The Mentor shall submit written reports, signed by the Mentor, to the Board on a monthly basis, detailing the Respondent's progress. The Respondent is solely responsible for ensuring the proper and timely submission of monthly reports to the Board. Failure to submit a list of mentor candidates to the Board within **FIFTEEN (15) DAYS** from the date of this Order or failure to ensure the proper submission of monthly mentorship reports shall constitute unprofessional conduct and a violation of this probation.

3. Within **SIX (6) MONTHS** from the effective date of this Order, the Respondent shall provide documentation to the Board that he has, in accordance with Md. Code Ann., Health Occ. § 7-405(d), placed all pre-need funds, including any accrued interest, associated with the Establishment into interest bearing escrow or trust accounts with a banking institution or savings and loan association that is insured by an agency of the federal government. The aforementioned accounts shall be established using the name, address, and Social Security number of the pre-need buyer and held in trust for the Establishment. Failure to submit the requisite documentation clearly indicating compliance with Md. Code Ann., Health Occ. § 7-405(d) within **SIX (6) MONTHS** from the effective date of this Order shall constitute unprofessional conduct and a violation of probation.

4. **In addition** to the continuing education units required by Section 7-314 of the Health Occupations Article and the Code of Maryland Regulations 10.29.05 *et seq.*, the Respondent shall complete a **Board-approved, in-person course** in Maryland pre-

need law. The Respondent's failure to submit to the Board satisfactory evidence of the completion of the aforementioned course within **SIX (6) MONTHS** from the effective date of this Order shall constitute a violation of probation and a violation of this Order.

5. Pursuant to Md. Code Ann., Health Occ. § 7-310(e)(4), the Respondent may not act as a supervising mortician for any establishment during the pendency of this probation.
6. The Respondent is responsible for any costs associated with the compliance of the terms and conditions set forth in this Order.
7. The Respondent shall comply with the Maryland Morticians and Funeral Directors Act and the Board's regulations. Any violation of the Maryland Morticians and Funeral Directors Act or the Board's regulations shall constitute unprofessional conduct and a violation of probation; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of this probation and/or this 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 Md. Code Ann., Health Occ. § 7-316 including a reprimand, additional probation, suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

**ORDERED** that no earlier than **ONE (1) YEAR** after the effective date of this Consent

Order, the Board may consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Consent Order; and it is further

**ORDERED** that there shall be no early termination of the **ONE (1) YEAR** probationary period. As such, the Board will not consider any requests from the Respondent to terminate probation any earlier than **ONE (1) YEAR** from the effective date of this Order; and it is further

**ORDERED** that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-333(b).

10/12/16  
Date

  
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Victor C. March, Sr., President  
Maryland State Board of Morticians and Funeral Directors

**CONSENT**

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

  
**WILLIAM CHAMBERS, M00091**