

IN THE MATTER OF

**JOSEPH H. BROWN, Jr.
FUNERAL HOME, P.A.**

License Number E00346

Board Case Number 10-014

*** 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 the Joseph H. Brown, Jr. Funeral Home, P.A. (the "Respondent-Establishment") have agreed, in lieu of the Board's filing formal charges, to enter into to this Pre-Charge Consent Order (the "Order"). The Respondent waives its right to a hearing and agrees to be sanctioned by the Board. This Order is based upon the Board's belief that the Respondent-Establishment 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-Establishment was and is a licensed Funeral Establishment in the State of Maryland from which the business of practicing mortuary science is conducted under license number E00346.
2. At all times relevant, the Respondent-Establishment has been and is located at 2140 N. Fulton Avenue in Baltimore City.
3. The Respondent-Establishment's Supervising Mortician has been and is Charlene Brown-Baldwin who is licensed by the Board under license number M00856 and is currently Joseph H. Brown, III, license number M00889.
4. The Board launched an investigation when it was revealed in a Baltimore Sun article dated

November 21, 2009, that the casketed remains of Deceased Person A¹ (the "Deceased") were found in a hallway of the Respondent-Establishment where they had been stored from the time of death, August 17, 2009, until burial on November 27, 2010.

5. Upon investigation, on November 24, 2009, the Investigator reports a terrible odor of decomposition emanating from the casket. She observed a wilted flower on top of the casket along with a note with the phrase "please bury me."

6. The deceased remains were being withheld from burial until the family paid the Funeral Home the remaining \$400.00 balance due on the \$3624.00 funeral bill.

7. The death certificate filed by the Respondent-Establishment with the Division of Vital Records lists dated of burial as August 25, 2009.

8. Burial did not take place until November 27, 2009, subsequent to investigator's visit.

9. Upon further inspection of the Funeral Home on November 24, 2009, the Investigator noted the following deficiencies:

1. The preparation room's floors, walls, ceiling and prep table in the preparation room were unsanitary;
2. The refrigeration unit was unsanitary;
3. Chemicals were not plainly marked;
4. The waste and sharps receptacle had no cover;
5. Prices of urns and vaults were not displayed;
6. The Establishment license was not conspicuously displayed; and
7. Signage lacked the required "P.A."

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent-Establishment

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

violated H.O. §§ 7-316(a)(20) and (26).

ORDER

ORDERED that the Respondent-Establishment's license shall be **SUSPENDED** for a period of ten (10) days beginning from the effective date of the Order²; and it is further

ORDERED that the suspension shall be immediately **STAYED**; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of one (1) year; and it is further

ORDERED that the Respondent-Establishment shall immediately notify the Board the name of a Maryland licensed mortician who will function as the Supervising Mortician in place of Charlene Brown-Baldwin during the period of her suspension; and it is further

ORDERED that no later than thirty (30) days from the effective date of this Order, the Respondent-Establishment shall pay a fine to the Board in the amount of one thousand dollars (\$1000.00); and it is further

ORDERED that within thirty (30) days from the effective date of this Order the Respondent-Establishment shall notify the Board's Investigator that that inspections deficiencies cited in the inspection report of November 17, 2019 have been corrected, and which is incorporated by reference herein, and that the Joseph H. Brown, Jr. Funeral Home, P.A. is ready for re-inspection; and it is further

ORDERED that the Board will deem it to be a violation of this Order, should the Investigator, upon re-inspection, find that any of the aforementioned deficiencies have not been satisfactorily corrected; and it is further

ORDERED that in addition to the initial inspection, aforementioned, the Investigator shall make quarterly unannounced inspection visits to the Funeral Home over the course of the period of

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

probation; and it is further

ORDERED that no earlier than one (1) year from the effective date of this Order, the Respondent-Establishment may petition the Board for termination of its probationary status. It shall be within the Board's discretion to grant such a request; and it is further

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

ORDERED that the Respondent-Establishment 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).

Date

10/29/10

Hari Close
President

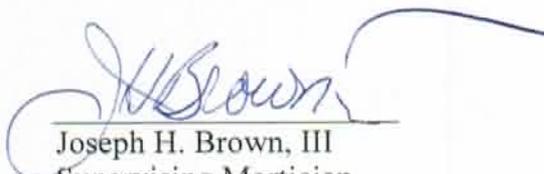
CONSENT

I, Joseph H. Brown, III, Supervising Mortician for the Joseph H. Brown, Jr. Funeral Home, P.A. located at 2140 N. Fulton Avenue, 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 Facts 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.

10/29/10
Date


Joseph H. Brown, III
Supervising Mortician
Joseph H. Brown, Jr. Funeral Home

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 29 day of October, 2010, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared Charlene Brown-Baldwin, and made oath in due form of law that the foregoing Consent was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: April 23 2013

