

IN THE MATTER OF	*	BEFORE THE
LEROY O. DYETT JR.	*	BOARD OF MORTICIANS
LICENSE NUMBER: M00944	*	AND FUNERAL DIRECTORS
RESPONDENT	*	CASE NUMBER: 08-022

* * * * *

ORDER OF SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. § 10-226 (c) (Repl. Vol. 2004 & Supp. 2007), the Maryland Morticians and Funeral Directors Act ("the Act"), Md. Health Occ. Code Ann. §§ 7-101 *et seq.*, (Repl. Vol. 2005 & Supp. 2007), the Board of Morticians and Funeral Directors (the "Board") hereby suspends the license of Leroy O. Dyett (the "Respondent"), D.O.B. 7/11/1969, license number: M00944 to practice mortuary science under the Act. This Order of Summary Suspension ("Order") is based on the following investigative findings that the Board has reason to believe are true:¹

INVESTIGATIVE FINDINGS

1. The Respondent was initially licensed to practice mortuary science in the State of Maryland, on September 9, 1992, having been issued license number: M00944.
2. At all times relevant herein, the Respondent held a funeral establishment license to operate Compassion Funeral Services, Leroy O Dyett, Jr. P.A., ("Compassion Funeral Services") with locations at 119-121 South Stricker Street, Baltimore Maryland and 3000 East Baltimore Street, Baltimore, Maryland.
3. At all times relevant herein, the Respondent co-owned Compassion Funeral Service with another licensed mortician (hereinafter, "Mortician A").

¹ The statements of the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension.

4. On about February 26, 2008, the Board received a complaint from the manager of Green Mount Crematory and Cemetery ("Green Mount"), located at 1501 Greenmount Avenue in Baltimore, Maryland.

5. The complaint alleged that the Respondent purportedly brought human remains in a cardboard casket to Green Mount for cremation. Green Mount employees later discovered that the casket delivered by the Respondent contained only rocks and cement.

FACTS PERTAINING TO THE GREEN MOUNT COMPLAINT²

6. On or about February 2, 2008, the Respondent delivered a cardboard casket to Green Mount.

7. Once at Green Mount, the Respondent presented Green Mount employees with a death certificate, a burial-transit permit, an order/authorization for cremation and a cardboard casket for cremation. The Respondent's signature appeared on all the documents that he gave Green Mount employees.

8. The Respondent informed a Green Mount employee that the cardboard casket contained human remains.

9. The Respondent indicated on the death certificate that he gave to Green Mount employees that the decedent (hereinafter "Decedent A") expired on January 25, 2008, while Decedent A was a patient at Bon Secours Hospital (hereinafter "Bon Secours"), located in Baltimore, Maryland.

² The names of Decent A and Mortician A have not been disclosed in order to protect their identity. Their names will provide to the Respondent upon request.

10. The Respondent also indicated on the death certificate that Compassion Funeral Services located on Stricker Street in Baltimore, Maryland, was the facility handling Decedent A's funeral service.

11. On the burial-transit permit that the Respondent gave to Green Mount employees, the Respondent indicated that he had retrieved Decedent A's body from Bon Secours.

12. After the Respondent gave Green Mount the cardboard casket purportedly containing Decedent A's body, it was placed in the cremation chamber (the "retort") for cremation.

13. The Respondent left Green Mount once the cardboard casket purportedly containing Decedent A's body was placed in the retort.

14. Midway through the cremation process, Green Mount employees examined the retort, but they saw no evidence that Decedent A had been cremated. Green Mount employee found only rocks and cement in the retort.

15. Green Mount's manager contacted the Respondent and informed the Respondent that the casket that he delivered to Green Mount that purportedly contained the remains of Decedent A, but only contained rocks and cement. The Respondent told the manager of Green Mount that he had delivered the remains of Decedent A to Green Mount at the request of the FBI. The Respondent insisted that he had delivered the remains of Decedent A's body to Green Mount.

16. By letter dated February 27, 2008, the Respondent contacted Decedent A's employer requesting payment for Decedent A's funeral services. The Respondent included with his letter, a statement of itemized charges and a copy of Decedent A's

death certificate. Decedent A's employer did not pay the funeral services bill that the Respondent provided after discovering that Decedent A may have been involved in identity theft.

17. Further investigation also revealed the following:

18. The Respondent falsified Decedent A's death certificate. In or around July 2008, Decedent A was arrested in Fairfax County, Virginia for identity theft. Upon best information and belief, Decedent A is being held in the Fairfax County detention center.

19. The Respondent admitted to Board investigators and to the police that he knew that Decedent A was not deceased, when he filed a death certificate with the Maryland Department of Health and Mental Hygiene, Division of Vital Records certifying that Decedent A had expired.

20. The Respondent falsified the burial-transit permit and the order/authorization for cremation.

21. The Respondent falsely indicated on the burial-transit permit that he had transported Decedent A's body from Bon Secours. Bon Secours has no record that Decedent A was ever a patient at that facility.

22. The Respondent admitted to the Board investigator that he knew that the information contained in the order/authorization for cremation was false.

23. The Respondent further admitted to the Board investigator that he had not provided most of the services in the itemized statement of goods and services that he sent to Decedent A's employer for payment of funeral services.

FINDINGS OF FACT

1. Based on the foregoing acts described above, the Board has cause to believe that the Respondent is a threat to the public health, welfare and safety.

2. As set forth above, the Respondent also violated the following:

Md. Health Occ. Code Ann. § 7-316:

H.O. § 7-316. Denial, reprimands, suspensions, and revocations –Grounds.

(a) Subject to the hearing provisions of § 7-319 of this subtitle and except as to a funeral establishment license, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee:

- (2) Fraudulently or deceptively uses a license;
- (3) Commits fraud or misrepresentation in the practice of mortuary science;
- (20) Willfully makes or files a false report or record in the practice of mortuary science;
- (21) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (22) Submits a false statement to collect a fee;
- (26) Commits an act of unprofessional conduct in the practice of mortuary science.

CONCLUSIONS OF LAW

Based on the foregoing, the Board concludes that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Govt. Code Ann. § 10-226 (c) (Repl. Vol. 2004 & Suppl. 2007).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is on this 10 day of Sept, 2008, the majority of the Board hereby:

ORDERED that the license issued to Leory O. Dyett, Jr., to practice mortuary science the State of Maryland under license number: M00944 is hereby **SUMMARILY SUSPENDED**; and it is further

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

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board staff the following:

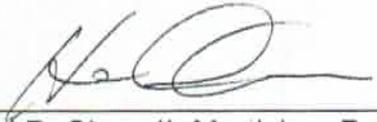
- (1) The Respondent's original Maryland license M00944;
- (2) The Respondent's current renewal license; and
- (3) The Respondent's wall license; and it is further

ORDERED that if the Respondent is dissatisfied with the result of the hearing, the Respondent may request within (10) days, an evidentiary hearing, such hearing to be held within a reasonable time of the request, before the Board, 4201 Patterson Avenue, Baltimore, Maryland 21215; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 2004 & Supp. 2007), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a public document pursuant to Md. State Govt.
Code Ann. §§ 10-601 *et seq.* (Repl. Vol. 2004 & Supp. 2007).

9/10/08
Date



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