

IN THE MATTER OF
ESTEP BROTHERS
FUNERAL SERVICE P.A.
License Number E00200

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BEFORE THE MARYLAND
STATE BOARD OF
MORTICIANS AND
FUNERAL DIRECTORS

CONSENT ORDER OF REPRIMAND/FINE

On or about September 26, 2013, the Maryland State Board of Morticians and Funeral Directors (the “Board”) received a complaint regarding Estep Brothers Funeral Service P.A. (the “Respondent-Establishment”). The Board conducted an investigation. At the conclusion of that investigation, the Board had cause to believe that the Respondent-Establishment may have violated the Maryland Morticians and Funeral Directors Act (the “Act”), Md. Code Ann., Health Occ. (“H.O.”) §§ 7-101 *et seq.* On June 11, 2014, the Respondent-Establishment, by and through its funeral director (the “Licensee”), attended a settlement conference with Board representatives in an effort to reach resolution of the case prior to the issuance of formal charges. The Respondent and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law and Order.

I. FINDINGS OF FACT

The Board makes the following findings of fact:

1. The Respondent-Establishment is a licensed funeral establishment in the State of Maryland, license number E0200.
2. On or about September 26, 2013, the Board received a complaint from the granddaughter (the “Complainant”) of a decedent (the “Decedent”) who passed away on August 27, 2013.

3. In her complaint, the Complainant set forth several allegations regarding the Respondent-Establishment's handling of the Decedent's funeral. The Complainant alleged that the Respondent-Establishment's driver assigned to escort the Decedent's family was unprofessional in his dealings with the family. The Complainant also stated that the Decedent's family was not provided with the "cards and acknowledgements" that had been sent to the Decedent's family, care of the Respondent-Establishment, as well as copies of the Decedent's death certificates. Furthermore, the complaint alleged that, upon lowering the Decedent's casket after the funeral, the casket began to open because it was not securely locked.

4. According to the Complainant, upon notifying the Respondent-Establishment's staff of the various issues, the Respondent-Establishment's staff "offered no sympathy whatsoever" and was "unprofessional." Furthermore, the Respondent-Establishment's staff was unaware of the casket problems because no establishment staff stayed at the gravesite with the Decedent's family.

5. On or about November 25, 2013, the Board received the Respondent-Establishment's written response to the complaint, as prepared and signed by the Licensee, a licensed funeral director in the State of Maryland, license number M00191.

6. In the Respondent-Establishment's response, the Licensee wrote that the Decedent's son had made pre-arrangements for the Decedent in March of 1997. The Licensee went on to address the three issues raised in the complaint.

7. Addressing the Complainant's allegation that the Respondent-Establishment failed to provide the Decedent's family with the cards and acknowledgements that were sent care of the Respondent-Establishment, the Licensee wrote that it was the practice of the Respondent-Establishment to provide the Decedent's family with a bag "at the conclusion of the interment

which includes: all cards of sympathy or other expressions, flower cards, thank you cards, guest book/register and work statements.”

8. Addressing the Complainant’s allegations that the Respondent-Establishment failed to provide the Decedent’s family with a copy of the Decedent’s death certificate, the Licensee wrote that the Respondent-Establishment provided the Decedent’s family with four death certificates, even though a request had not been made during the original pre-arrangement conference.

9. The Licensee also addressed the Complainant’s allegation that the Decedent’s casket opened as it was being lowered into the ground. According to the Licensee, “the lid cap on the casket was latched and completely closed when removed from the hearse and while on the lowering device.” The Licensee added that the Decedent’s casket was a non-protective metal casket.

10. Based upon the totality of the evidence presented in this case, the Board finds that the Respondent-Establishment acted in an unprofessional manner in its dealings with the Decedent’s family during their grieving process. While the Respondent-Establishment may disagree with this characterization, the Complainant’s account of the Respondent-Establishment’s conduct throughout the Decedent’s funeral is supported by at least one witness. Moreover, professionalism within the practice of mortuary science includes the continued ability to provide care and empathy to grief-stricken families at their times of need. Thus, unprofessional conduct may include those times when a particular family does not feel that a mortician or a funeral director conveyed appropriate sensitivity to their grief. The Board believes that is what occurred in this circumstance.

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent-Establishment violated H.O. § 7-316(a)

- (26) Commits an act of unprofessional conduct in the practice of mortuary science.

IV. ORDER

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

ORDERED that the license of the Respondent-Establishment, license number E00200, to practice mortuary science in the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that, no later than **NINETY (90) DAYS** of the effective date of this Order, the Respondent-Establishment shall pay to the Board a monetary fine of **ONE THOUSAND DOLLARS AND ZERO CENTS (\$1000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Order. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Order shall constitute a violation of this Order; and it is further

ORDERED that if the Respondent-Establishment violates any of the terms and conditions of this 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 H.O. § 7-316 including probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that the Respondent-Establishment is responsible for any costs associated with the compliance of this Order; and it is further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions §§ 4-101 *et seq.*

5/13/15
Date



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 admit the truth of the Findings of Fact, and 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.



Estep Brothers Funeral Service, P.A.
License Number E00200

NOTARIZATION

I HEREBY CERTIFY that on this 15th day of April,
before me, Notary Public of the State and City/County aforesaid, Cecil A. Ely personally
appeared on behalf of Estep Brothers Funeral Service P.A., and made oath in due form of law
that signing the foregoing Consent Order was the voluntary act and deed of
Cecil A. Ely on behalf of Estep Brothers Funeral Service P.A.

AS WITNESSETH my hand and notarial seal.

SEAL

Cecil M. Coley
Notary Public

My Commission Expires: 7-15