

IN THE MATTER OF	*	BEFORE THE STATE
HODGES AND EDWARDS FUNERAL HOME	*	BOARD OF MORTICIANS
Respondent-Establishment	*	AND FUNERAL DIRECTORS
LICENSE NUMBER: E00045	*	CASE NUMBER: 13-025

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

The Maryland Board of Morticians and Funeral Directors (the "Board") hereby **SUMMARILY SUSPENDS** the establishment license of **HODGES AND EDWARDS FUNERAL HOME** (the "Respondent-Establishment"), License Number E00045, to operate a funeral establishment 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.), concluding that the public health, safety and 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-Establishment is located at 3910 Silver Hill Road, Suitland, Maryland 20746. On or about April 12, 1991, the Respondent-Establishment

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<sup>1</sup> The statements regarding the Respondent-Establishment's conduct are only intended to provide the Respondent-Establishment 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-Establishment in this matter.

was initially issued license number E00045 to operate a funeral home. The Respondent-Establishment's license is current and will expire on November 30, 2014.

2. At all times relevant to the statements herein, the Respondent-Establishment was owned and operated by Janice Edwards (M00685) and Leroy Hodges (M00297).

3. At all times relevant to the statements herein, Janice Edwards was the supervising mortician at the Respondent-Establishment.

4. On or about July 23, 2010, the Board conducted an inspection of the Respondent-Establishment. Mr. Hodges was present.

5. The inspection revealed the following deficiencies:

- a. The ownership sign was not posted in a public area;
- b. The preparation room was unsanitary;
- c. The eye wash station was empty;
- d. The inspector observed dirty instruments;
- e. Biohazard waste was found in regular trash containers;
- f. The service hearse did not contain a universal kit;
- g. The carpet in the chapel area was temporarily secured;
- h. There were two caskets without prices in the display area;
- i. The Respondent-Establishment was using an outdated form for disposition of cremated remains;
- j. There was no hand wash sink;
- k. Body fluids biohazard waste was present in the storage cabinet;
- l. Chemicals were not marked;

m. The biohazard waste container did not have a bottom or a cover; and

n. There were many rust-covered and non-impervious areas.

6. According to the inspection form, the Respondent-Establishment was given 30 days to correct the deficiencies identified during the inspection.

7. On or about July 27, 2010, the Board's inspector returned to the Respondent-Establishment for a follow-up inspection. Mr. Hodges refused to allow the Board's inspector access for a full inspection and refused to provide additional paperwork as requested by the Board's inspector.

8. On or about July 2, 2012, the Board conducted an annual inspection of the Respondent-Establishment. The inspection revealed the following deficiencies:

a. The ownership sign did not reflect the name of the establishment, and the lettering was not a minimum of one inch;

b. The preparation room walls were non-impervious (i.e. holes in the walls);

c. The preparation room walls were unsanitary with bodily fluids;

d. There was a large gap at the cabinet base;

e. The body supports were unsanitary, and were not smooth and impervious;

f. The preparation room floor was unsanitary and non-impervious (i.e. holes in the vinyl flooring);

g. The preparation room floor was littered with mop strings;

- h. The wallpaper in the preparation room was not smooth and impervious;
- i. The drain pipe for bodily fluids was rusted and eroded where it met the floor, and was not painted, smooth or impervious;
- j. The biohazard waste was placed in a regular trash can;
- k. The preparation tables were rusty and unsanitary and were not impervious;
- l. There was exposed wood that was unsealed and unsanitary; and
- m. The floor moulding was loose, causing unsanitary conditions.

9. The deficiencies identified at the July 2, 2012 inspection were discussed with Ms. Edwards, who also signed the inspection report. A copy of the inspection report was left with Ms. Edwards, and she was given 30 days to make all corrections.

10. On or about September 5, 2012, the Board's inspector returned to the Respondent-Establishment for a follow-up inspection. Upon the inspector's arrival, neither Ms. Edwards nor Mr. Hodges was on the premises and the preparation room was locked.

11. While waiting for Ms. Edwards to arrive, the Board's inspector inspected other areas of the Respondent-Establishment besides the preparation room. The Board's inspector found that there were ceiling tiles in the chapel area that were loose and in danger of falling. The Board's inspector also observed that the ownership sign had not been corrected.

12. Upon the arrival of Ms. Edwards and Mr. Hodges, the Board's inspector inspected the preparation room and identified the following deficiencies:

- a. The preparation room walls had not been repaired;
- b. The preparation table drain pipe had not been repaired;
- c. The preparation tables were still rusted;
- d. The floor moulding had not been repaired;
- e. A mop bucket filled with dirty water was observed in the preparation room;
- f. The preparation room floor was littered with mop strings;
- g. There was exposed wood that was unsealed and unsanitary;  
and
- h. The wallpaper had not been repaired.

13. The Board's inspector also observed two bodies on a Formica countertop with visible body fluids on the countertop, and one body on a padded stretcher with corrosion on the stretcher carriage and wheels.<sup>2</sup>

14. On or about April 23, 2013, the Board's inspector conducted a second follow-up inspection of the Respondent-Establishment and identified the following deficiencies:

- a. The wallpaper had not been repaired;
- b. The preparation room walls had not been repaired;
- c. The floors were unsanitary (i.e. holes in vinyl flooring, dirty mop strings in the floor, and dirt on the floor);

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<sup>2</sup> The September 5, 2012 inspection was terminated prematurely because Mr. Hodges was hostile toward the Board's inspector.

- d. The walls were unsanitary (i.e. body fluid and filth);
- e. Three embalmed bodies were observed on top of a countertop. One male body was clothed and lying in what appeared to be dried body fluids and two additional bodies (one male and one female) were unclothed. All three bodies were under one plastic sheet;
- f. A mop bucket filled with dirty water was observed in the preparation room;
- g. Broken cabinet doors where chemicals are stored; and
- h. Loose ceiling tiles in the chapel area.

15. Further investigation revealed that the two unclothed human remains were Decedent A (male, date of death: April 17, 2013) and Decedent B (female, date of death: January 4, 2013).<sup>3</sup>

16. A form titled, "Identification of Body to be Cremated," which was witnessed by Ms. Edwards, indicated that the Respondent-Establishment took possession of Decedent B on or about January 8, 2013. Documents observed during the inspection indicate that Decedent B was to be embalmed and that a viewing and a service with a rental casket had been purchased. Decedent B's remains were not encased in a casket or a container.

17. In furtherance of the Board's investigation, the Board's inspector contacted Decedent B's next of kin, who indicated that they owed a balance of approximately \$2200 on Decedent B's funeral bill. According to Decedent B's next

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<sup>3</sup> In order to maintain confidentiality, decedent's names will not be used in this document, but will be provided to the Respondent upon request to the administrative prosecutor.

of kin, Establishment A would not release Decedent B's remains until the balance was paid.

18. Decedent B's remains are still in Establishment A's custody.

19. The deficiencies observed at the inspection on April 23, 2013 were discussed with Ms. Edwards, who signed the inspection form. A copy of the inspection form, along with copies of the inspection forms from the previous two inspections, were left with Ms. Edwards.

### **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 12<sup>th</sup> day of June 2013, by a majority of the Board:

**ORDERED** that the license issued to the Respondent-Establishment to operate as a funeral establishment in the State of Maryland under license number E00045 is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that a post-deprivation hearing on the Summary Suspension has been scheduled for **Wednesday, July 10, 2013 at 9:30 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-Establishment is prohibited from operating as a funeral establishment in the State of Maryland; and it is further

**ORDERED** that, effective immediately, the Respondent-Establishment shall not engage in any mortuary science services and shall not make any further arrangements or enter into any pre-need or at-need contracts to provide arrangements; and it is further

**ORDERED** that the Respondent-Establishment shall immediately contact the family members and/or responsible parties of decedents whose remains are currently in the possession of the Respondent-Establishment; and it is further

**ORDERED** that the Respondent-Establishment shall immediately make arrangements with other funeral establishments to care for the decedents in the Respondent-Establishment's possession and to carry out the contracted services at another funeral establishment at no further expense to the family and/or responsible party of the decedents;

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

**ORDERED** that the Respondent-Establishment shall post a conspicuous and securely attached notice on the Respondent-Establishment's entry door or other obvious location which shall state that the Respondent-Establishment shall be closed until further notice and that execution of services pursuant to a pre-need contract shall be fulfilled by another establishment pursuant to Code Md. Reg. tit: 10, § 29.06.06; and it is further

**ORDERED** that the Respondent-Establishment shall change the outgoing voicemail message to reflect that it is not currently serving consumers and shall instruct callers to contact the Board regarding the execution of services pursuant to

an existing pre-need contract or decedents currently in the Respondent-Establishment's possession; and it is further

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

6/18/13  
Date

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