

**IN THE MATTER OF
JAMES F. SCARPELLI, JR.**

**License Number M00507
Board Case Number 13-019**

*** 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 James F. Scarpelli, Jr. (the "Respondent") 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 his right to a hearing and agrees to be sanctioned by the Board. This Order is based upon the Board's belief that the Respondent 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.), specifically H.O. §7-316(a)(26) and H.O. §7-405(a)(3)(i)(1) when in the course of making pre-need contracts funded by buyers' life insurance policies, the Scarpelli Funeral Home, P.A. was made owner/beneficiary.

FINDINGS OF FACT

1. At all times relevant, the Respondent was and is licensed to practice mortuary science in the State of Maryland under license number M00507.

2. At all times relevant, the Respondent has been the supervising mortician for the Scarpelli Funeral Home, P.A.
3. The Respondent acknowledges that over time the Scarpelli Funeral Home, P.A. has been made the owner/beneficiary of pre-need contracts funded with buyers' life insurance policies.
4. Scarpelli Funeral Home, P.A. has begun the process to convert the owner/beneficiary to appropriate persons.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§7-316(a)(26) and 7-405(a)(3)(1)(i).

ORDER

ORDERED that the Respondent's license to practice mortuary science in Maryland shall be **SUSPENDED** for a period of thirty (30) days beginning May 1, 2013; and it is further

ORDERED that prior to the effective date of suspension, the Respondent shall provide the Board with the name of a Maryland licensed mortician who will function as the supervising mortician for the Scarpelli Funeral Home, P.A. for the duration of the Respondent's suspension; and it is further

ORDERED that the Respondent may not be involved in the day to day business of Scarpelli Funeral Home, P.A locations;¹ and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of two (2) years to commence on the date his license is reinstated; and it is further

ORDERED that the Respondent may not petition the Board for termination of his probationary status before one (1) year from the date of reinstatement has elapsed. It shall be within the Board's discretion to grant such a request; and it is further

ORDERED that the Respondent shall return his Maryland mortician license number

M00507 to the Board to be held for the duration of the period of suspension; and it is further

ORDERED that Respondent shall pay a fine to the Board in the amount of one thousand (\$1000.00) dollars; and it is further

ORDERED that the Respondent shall make an anonymous donation to the Family Security Trust Fund in the amount of one thousand (\$1000.00) dollars; and it is further

ORDERED that the conversion process now under way to correct the deficient pre-need contracts shall be completed no later than six (6) months from the effective date of this Order; and it is further

ORDERED that failure to correct deficient contracts within the period of time specified shall be a violation of this Order which may result in the Board's taking further action against the Respondent's mortician license; and it is further

ORDERED that the Respondent shall provide the Board monthly status reports to include the names of contract holders whose contracts have been successfully corrected; and it is further

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

ORDERED that the Respondent 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. (2009).

Acceptance Date 4/10/13


Hari Close

President

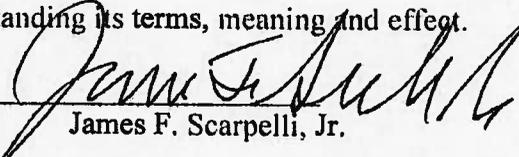
CONSENT

I, James F. Scarpelli, Jr., License Number M00507, by signing this Consent agree to the findings of fact and conclusions of law and further 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 Fact 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.

4/9/13
Date


James F. Scarpelli, Jr.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Allegany

I HEREBY CERTIFY that on this 9 day of April, 2013, before me, a Notary Public of the State of Maryland and the City/County aforesaid, personally appeared James F. Scarpelli, Jr., and made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Mary Susan Scarpelli
Notary Public

My Commission Expires: 1/18/14

MARY SUSAN SCARPELLI
NOTARY PUBLIC
ALLEGANY COUNTY
MARYLAND
MY COMMISSION EXPIRES JANUARY 18, 2014

¹ Includes but not limited to, meeting with families, making arrangements, and involvement with funeral services and cemetery services.