

IN THE MATTER OF
VINCENT E. HILL, M.D.
APPLICANT

* BEFORE THE MARYLAND
* STATE BOARD OF
* MORTICIANS AND FUNERAL DIRECTORS
* CASE NUMBER: 2010- 049

* * * * *

CONSENT ORDER

On July 1, 2010, the Maryland State Board of Morticians and Funeral Directors (the "Board") notified Vincent E. Hill, M.D.¹ (the "Applicant"), D.O.B. 05/18/52, of the Board's initial denial of his Application for Licensure under the Maryland Morticians and Funeral Directors Act (the "Act"), Md. Health Occ. Code Ann. §§ 7-101 *et seq.* (2009 Repl. Vol.). The pertinent provisions state:

Health Occ. § 7-303 Qualifications of applicants for mortician or funeral director license

(b) Examinations; issuance of license. – The Board shall examine all applications for licensure for the practice of mortuary science or funeral direction and shall issue the mortician or funeral director license to an individual who:

- (1) Is judged to be of good moral character.

Health Occ. § 7-316 Denials, reprimands, suspensions, and revocations – Grounds.

(a) In general. – 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:

- 1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

¹ The Applicant holds a license to practice medicine in the District of Columbia.

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]

On July 17, 2010, the Applicant received the Board's Notice of Initial Denial of his Application for Certification (the "Notice."). The Board notified the Applicant in that Notice that a Final Order would be executed thirty (30) days from the Applicant's receipt of the Notice unless the Applicant requested a hearing. The Applicant timely filed a written request for a hearing and a case resolution conference.

On August 24, 2010, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, Applicant agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. Background

1. On or about January 27, 2009, the Applicant submitted an Apprentice License as a pre-requisite to applying for a Morticians License in accordance with Health Occ. § 7-303 (Qualifications of applicants for mortician or funeral director license). On the Apprenticeship Application, the Applicant answered "NO" to question 5, which states:

Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of any criminal act (excluding traffic violations)?

2. On or about February 2, 2009, the Applicant was issued an Apprenticeship License.

3. On or about September 29, 2009, the Applicant completed the apprenticeship requirements, including logging 1,000 apprenticeship hours and participating in 20 funerals and 20 embalmings.

II. Basis of Initial Denial

4. On or about September 30, 2009, the Applicant submitted to the Board an Application for Mortician License (the "Application").

5. On the Application, the Applicant answered "NO" to the question:

Have you pled guilty, nolo contendere or been convicted of, or received probation before judgment of any criminal act (excluding traffic violations)? If yes, please explain.

6. On or about October 13, 2009, the Board conducted a Maryland Judiciary Case Search of the Applicant's name and date of birth as part of the application processing procedures. The search noted a match for a closed case in the District Court for Anne Arundel County – Criminal System, related to an incident involving the Applicant occurring on or about July 13, 2000.

7. According to the Maryland Judiciary Case Search Report, on December 8, 2000, the Applicant had appeared in District Court for Anne Arundel County and entered a plea of guilty. On the same date, the Applicant was sentenced to unsupervised probation before judgment.

8. On or about October 15, 2009, the Board notified the Applicant of the Case Search match and requested a written statement explaining the circumstances surrounding the case.

9. On or about October 28, 2009, the Applicant submitted a response and acknowledged that the case match pertained to him. The Applicant addressed his answer of "NO" to the Application's question:

Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of any criminal act (excluding traffic violations)?

The Applicant wrote that he "had no intention to deceive or misled [sic], it was checked out of habit," and that he had "sought legal counsel at the time and was informed that the case would be expunged."

10. On or about December 8, 2009, the Applicant submitted to the District Court of Maryland for Anne Arundel County a request for an Order for Expungement of Police and Court Records, seeking an order expunging the aforementioned case from his record.

11. On or about December 8, 2009, the District Court of Maryland for Anne Arundel County Administrative Clerk signed the order entitling the Applicant to expungement of the court and police records pertaining to his July 13, 2000 arrest and conviction.

12. On or about February 23, 2010, the Criminal Justice Information System Central Repository Director signed the Certificate of Compliance, indicating compliance with the Order of Expungement of Records pertaining to the Applicant's case.

III. Summary of Basis for Initial Denial

13. The Board may deny a certificate to any applicant who engages in any of the prohibited acts under the Act, or to any applicant who is not of good moral character.

14. The Applicant's July 13, 2000 plea of guilty for which he was sentenced to unsupervised probation before judgment, constitutes a crime of moral turpitude, in violation of Health Occ. § 7-316 (a) (4).

15. The Applicant's failure to disclose on his Apprentice Application or his Mortician Application that he had pled guilty to and been sentenced to probation before judgment for a crime constitutes evidence of a fraudulent or deceptive attempt to obtain a license to practice mortuary science in violation of Health Occ. § 7-316 (a) (1).

16. The Applicant's conviction, and his failure to disclose the conviction on the Apprenticeship Application and on the Morticians Application, constitute, in whole or in part, a failure to meet the prerequisite of good moral character to practice in the State of Maryland, in violation of Health Occ. § 7-303 (b) (1).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Board has the authority under Health Occ. § 7-303(b)(1) and §7-316(a)(1) and § 7-316(a)(4) to deny the Applicant's Application for a license to practice mortuary science in Maryland. The Board, however, has decided to exercise its discretion to grant the license, but under the terms and conditions ordered below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of October 2010, by an affirmative vote of a majority of the full authorized membership of the Board:

ORDERED that the Applicant shall be granted a license to practice mortuary science, effective the date of this Consent Order, and it is further

ORDERED that effective the date of this Consent Order, the Applicant shall be placed on PROBATION under the following terms and conditions for a minimum of one (1) year:

1. The Applicant shall pay to the Board, for deposit in the General Fund, a monetary penalty of \$1,200.00 payable in four (4) quarterly installments, with the first quarterly payment of \$300.00 due on December 31, 2010, the second quarterly payment due on March 31, 2011, the third quarterly payment due on June 30, 2011, and the fourth and final quarterly payment due on December 31, 2011;
2. Within two (2) months of the date of this Consent Order, the Applicant shall enroll in a Board-approved individual tutorial in professional ethics;
3. Within six (6) months of enrollment, the Applicant shall complete the individual tutorial in professional ethics;
4. The above tutorial shall be in addition to any continuing education requirements mandated for continuing licensure. The hours of continuing education shall not count toward fulfilling other continuing education requirements that Respondent must fulfill in order to renew his license to practice; and
5. The Applicant shall comply with the Maryland Morticians and Funeral Directors Act and all laws, statutes and regulations pertaining to the practice of mortuary science; and it is further

ORDERED that any violation of the terms and conditions of this Consent Order shall be deemed unprofessional conduct in the practice of mortuary science; and it is further

ORDERED that if the Applicant violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before a quorum of the Board if there is a genuine dispute as to the underlying material facts, or after an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case under

§§ 7-316 & 7-317 of the Maryland Morticians and Funeral Directors Act, including a reprimand, probation, suspension, revocation and a monetary penalty; and it is further

ORDERED that no earlier than one (1) year from the date of this Consent Order, and provided that Applicant has complied with the Consent Order terms during Applicant's period of one (1) year and there are no new complaints, Applicant may petition the Board to terminate the probationary conditions of this Consent Order; and it is further

ORDERED that Applicant is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.*

10/13/10
Date

P. Hari Close, II
P. Hari Close, II, President
State Board of Morticians

CONSENT

I, Vincent E. Hill, M.D., acknowledge that I have elected not to be represented by counsel, before signing this document.

I am aware that I am entitled to a formal evidentiary hearing before a quorum of the Board of Morticians and Funeral Directors. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural and

substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections.

I voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law, and Order and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law and I waive my right to a full evidentiary hearing as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice mortuary science.

I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order, consisting of eight (8) pages.

12/18/2010
Date

Vincent E. Hill, M.D.
Vincent E. Hill, M.D.
Applicant

STATE OF MARYLAND
CITY/COUNTY OF

I HEREBY CERTIFY that on this 18 day of December, 2010, before me, a Notary Public of the State and County aforesaid, personally appeared Vincent E. Hill, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My commission expires:



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