

IN THE MATTER OF * BEFORE THE STATE
FREEMAN FUNERAL SERVICES * BOARD OF MORTICIANS
Respondent-Establishment * AND FUNERAL DIRECTORS
LICENSE NUMBER: E00428 * CASE NUMBER: 10-082

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Morticians and Funeral Directors (the "Board") hereby **SUMMARILY SUSPENDS** the establishment license of **FREEMAN FUNERAL SERVICE** (the "Respondent-Establishment"), License Number E00428, 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:¹

1. The Respondent-Establishment is located at 4594 Beech Road, Temple Hills, Maryland 20748. In December 1996, the Respondent-Establishment was initially issued a restricted license (number E00428) to operate an "arrangements only" facility

¹ 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.

at its establishment on Beech Road in the State of Maryland. The Respondent-Establishment's license is current and will expire on November 30, 2010.²

2. At all times relevant to the statements herein, the Respondent-Establishment was owned and operated by Glenda M. Freeman (License Number M01010).

3. At all times relevant to the statements herein, Glenda M. Freeman was the supervising mortician at the Respondent-Establishment.

4. Under the Respondent-Establishment's restricted license, it is permitted to conduct at-need and pre-need arrangements, but is not permitted to prepare human remains for final disposition or hold viewings in the Respondent-Establishment's Beech Road facility.

5. Pursuant to a contract dated June 25, 2007 between the Respondent-Establishment and Establishment A³, the latter agreed to provide "embalming and ordinary care and housing of human remains" for the Respondent-Establishment's decedents. The contract does not provide for dressing, casketing or cosmetising decedents.

Complaint #1

6. On or about June 30, 2010, the Board received a complaint ("Complaint #1) from Client A alleging unprofessional conduct by Ms. Freeman.

7. Subsequently, the Board opened an investigation.

² On September 16, 2010, the Board notified the Respondent-Establishment that it is delinquent in its payment of taxes or unemployment insurance contributions. The Respondent-Establishment must resolve this issue with the Office of the Comptroller before the Board can process its renewal application. The Board further notified the Respondent-Establishment that it will be required to cease and desist operation if it fails to resolve this issue by November 30, 2010.

³ To ensure confidentiality, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this document. The Respondent may obtain the identity of all individuals and entities referenced in this document by contacting the administrative prosecutor.

8. On June 20, 2010, the Respondent-Establishment entered into a contract with Client A and her siblings for funeral arrangements for Client A's mother ("Decedent A").

9. Under the terms of the contract, the Respondent-Establishment would provide removal, preparation and funeral services for Decedent A, in exchange for payment made by Decedent A's private life insurance policy. The life insurance policy was held by Decedent A's former employer. No additional fees were due from Decedent A's family under the contract.

10. According to Client A, a viewing was scheduled to take place at the Respondent-Establishment on June 24, 2010 at 5:00 p.m. and the funeral services were scheduled to take place on June 25, 2010 at a church in Washington, D.C.

11. On June 24, 2010, at 2:00 p.m., Ms. Freeman informed Client A that because Ms. Freeman had not verified Decedent A's life insurance policy, her family would not be allowed to view the body that evening. Ms. Freeman further stated that the Respondent-Establishment would not transport Decedent A's remains to Church A or to the cemetery, unless payment was rendered immediately by check.

12. Client A contacted Decedent A's former employer and was informed that assurance had been provided to Ms. Freeman that the claim was being processed and that payment would be rendered to the Respondent-Establishment in satisfaction of the contract.

13. According to Client A, on June 24, 2010 at 5:08 p.m., after "heated, unprofessional and insensitive remarks from Ms. Freeman," Client A and her family were permitted to view Decedent A's remains at the Respondent-Establishment's

"arrangements only" location. However, during this time, Ms. Freeman denied Decedent A's family privacy, remained in the "viewing room"⁴ with the family, and continued to demand payment.

14. According to Client A, Ms. Freeman stated that the funeral would not take place if she did not receive a check. As a result, Client A's sister issued a check to Ms. Freeman, although she could not afford to do so.

15. Client A further stated that while driving to her mother's funeral she received approximately five "harassing" telephone calls from Ms. Freeman, requesting the claim affidavit from the insurance company. According to Client A, Ms. Freeman's repeated telephone calls interrupted the grieving process and embarrassed Client A and her siblings in front of other family members in the vehicle.

16. On or about September 1, 2010, the Board's Investigator (the "Investigator") spoke with Client A's sister, who corroborated the allegations set forth in Complaint #1.

17. Client A's sister confirmed that on June 24, 2010, Decedent A's viewing took place at the Respondent-Establishment located at 4594 Beech Road in Temple Hills, Maryland. Client A's sister also stated that the viewing was held in the room that had previously served as the conference room where arrangements were made for Decedent A's viewing and funeral. Client A's sister reported that the conference room table had been removed to accommodate Decedent A's casket.

⁴ Decedent A's viewing was held in the Respondent-Establishment's conference room, where Ms. Freeman meets with clients to make arrangements. The conference room table was removed to accommodate Decedent A's casket.

Complaint #2

18. On or about September 14, 2010, the Investigator visited the Respondent-Establishment in furtherance of her investigation of Complaint #1 and to conduct a routine inspection.

19. Upon arrival, the Investigator observed a white-paneled removal vehicle approach the Respondent-Establishment's garage and park. The vehicle backed up to the garage entrance. The Investigator observed a man removing a stretcher from the vehicle, which was carrying what appeared to be human remains under a white cover. The apparent remains appeared to be very large. Shortly thereafter, the vehicle left the Respondent-Establishment.

20. The Investigator approached the Respondent-Establishment and knocked on the door, which was locked. The Investigator heard commotion inside, including the sound of a stretcher collapsing, and observed an individual looking outside through a window covering, but no one answered the door.

21. After several minutes, Ms. Freeman's office manager answered the door and stated that Ms. Freeman was not available. The office manager beckoned the Investigator to enter the building quickly, but the Investigator refused and remained outside. At that time, the Respondent-Establishment's garage door opened and the Investigator observed a hearse exit quickly. The Investigator attempted to stop the hearse but the female driver did not stop in response to her request. The Investigator observed a large, white-covered mound in the rear of the hearse, which appeared to be the same apparent human remains that the Investigator observed being dropped off just minutes prior.

22. The Investigator asked that Ms. Freeman contact the Board.

23. Before leaving the premises, the Investigator observed a bluish-silver casket that was visible through the open garage door.

24. Shortly thereafter, the Investigator observed a second white removal van pull in front of the Respondent-Establishment's garage. When the removal van left the premises, the Investigator followed the vehicle as it drove out of the warehouse complex.

25. The Investigator next visited Establishment B to speak with Mortician A, who embalms human remains for Ms. Freeman. Mortician A stated that on the weekend of September 11, 2010, he embalmed two bodies for Ms. Freeman, one of which was a 350-pound male ("Decedent B").

26. The Investigator contacted Establishment A, where Ms. Freeman stores embalmed remains until she picks them up for services and/or final disposition, and inquired as to the whereabouts of Decedent B. A representative of Establishment A ("Mortician B") stated that Decedent B's remains were picked up "some time before 9:00 p.m. the night before [September 13, 2010]" by a representative from the Respondent-Establishment.

27. The location of Decedent B's remains after being picked up at Establishment A on the evening of September 13, 2010 is unknown, as Ms. Freeman is not legally permitted to store human remains elsewhere.

28. Mortician A further stated that Ms. Freeman "seemed upset" when she called him at approximately 10:35 a.m. that morning, and asked if he could order an

oversized casket (for Decedent B) on her behalf, as soon as possible.⁵ Mortician A stated that he often places casket orders for Ms. Freeman because she has account difficulties with the casket companies.

29. Mortician A further stated that he embalms human remains, orders caskets, and occasionally "covers funerals" for Ms. Freeman and the Respondent-Establishment. Mortician A stated that he does not dress, casket or cosmetise human remains for Ms. Freeman, and that he always leaves the embalmed remains at Establishment A.

30. Mortician A stated that over the past four-to-five years he has had knowledge that Ms. Freeman dressed, cosmetised, and casketed human remains at the Respondent-Establishment, an "arrangements only" facility. He further stated that Ms. Freeman regularly holds first viewings for decedents at the Respondent-Establishment.

31. Mortician A also stated that approximately two weeks prior, on his most recent visit to the Respondent-Establishment to pick up his paycheck, he observed human remains on the premises.

32. Mortician A informed the Investigator that Decedent B's remains had been taken to a storefront church in District Heights, Maryland. The Investigator visited the church, accompanied by a sergeant from the District Heights Police Department, in an attempt to identify Decedent B's remains. However, no one answered the door at the church.

⁵ The incident at the Respondent-Establishment observed by the Investigator occurred at approximately 10:20 a.m.

33. On September 14, 2010, the Investigator spoke with Ms. Freeman by telephone, and Ms. Freeman denied the presence of human remains at the Respondent-Establishment.

34. However, on September 23, 2010, Ms. Freeman admitted to the Investigator that she has brought human remains to the Respondent-Establishment "from time to time."

35. In furtherance of the investigation, the Investigator spoke with Mortician B (at Establishment A), who stated that since 2007 Ms. Freeman has never dressed or casketed any human remains at Establishment A. However, "all of a sudden, last week [the week of September 13, 2010]," Ms. Freeman has had caskets delivered to Establishment A and has been dressing and casketing human remains at that location.

36. Also in furtherance of the investigation, the Investigator spoke with a recent decedent's ("Decedent C") son, who identified the Respondent-Establishment's arrangements-only establishment as the location of Decedent C's first viewing.⁶

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).

⁶ Decedent C was dressed, cosmetised and casketed prior to the viewing.

ORDER

Based on the foregoing investigative Findings and Conclusions of Law, it is this 17th day of September 2010, 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 E00428 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that a post-deprivation hearing on the Summary Suspension has been scheduled for **Wednesday, October 13, 2010 at 2:00 p.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 make any further arrangements or enter into any pre-need or at-need contracts to provide arrangements; and it is further

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 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.).

9/30/10
Date



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

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing ADMINISTRATIVE ORDER, CASE NUMBER: 10-082 and 10-068 for MS. GLENDA FREEMAN (M-10010 and E00428) PETITION FOR CIVIL ENFORCEMENT OF ADMINISTRATIVE ORDER OF SUMMARY SUSPENSION AND CHARGES UNDER THE MORTICIAN'S ACT to Ms. Glenda Freeman.

Including letters of procedure. gmf

Glenda Freeman

RECEIVED BY:

9/30/2010

DATE:

Date Hand Delivered: *9/30/10*

BY: *Ruth Ann Arty*

Witness: *J. R. Bly*