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| IN THE MATTER OF | * | BEFORE THE MARYLAND |
| HINES RINALDI FUNERAL HOME, INC. | * | STATE BOARD OF |
| LICENSE NUMBER: C00022 | * | MORTICIANS AND |
| RESPONDENT-CORPORATION | * | FUNERAL DIRECTORS |
| | * | CASE NUMBER: 06-073 |

CONSENT ORDER

The Maryland State Board of Morticians and Funeral Directors¹ ("the Board") charged Hines-Rinaldi Funeral Home, Inc. (the "Respondent-Corporation"), license number: C00022, with violating certain provisions of the Maryland Morticians and Funeral Directors Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 7-101, *et seq.*, (2005 Rep. Vol. and 2007 Supp.). Specifically, the Board charged the Respondent-Corporation with violating the following:

H.O. §7-316. Denial, reprimands, suspensions, and revocations -Grounds.

(a) 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:

- (5) Aids or abets an unauthorized person in the practice of mortuary science;
- (24) Violates any rule or regulation adopted by the Board;
- (26) Commits an act of unprofessional conduct in the practice of mortuary science.

¹ As of October 1, 2007, the board is no longer known as the Maryland State Board of Morticians.

H.O. §7-405. Preneed contacts.

(b) (1) Only a licensed mortician, a licensed funeral director, or a holder of a surviving spouse license may offer or agree, directly or indirectly, to provide services or merchandise under a pre-need contract.

The Board further charged the Respondent with a violation of its Preneed Contract regulations, Code Md. Regs. tit. 10, § 29.06 (March 18, 2002):

.03 Execution of Preneed Contract.

A. Only a licensed mortician, licensed funeral director, or holder of a surviving spouse license shall execute a preneed contract with a buyer.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant hereto, the Respondent-Corporation was licensed to operate a mortuary science business in Maryland, under license number C00022, since June 1, 1972. The Respondent-Corporation's license expires on November 30, 2008.
2. Jack G. Yent, Jr., is the President of Respondent-Corporation. The President and the other officers of Respondent-Corporation are not licensed by the Board to practice funeral direction or mortuary science.
3. The Respondent-Corporation operates as a mortuary science business under the name of Hines-Rinaldi Funeral Home ("Hines-Rinaldi"), located at 11800 New Hampshire Avenue, Silver Spring, Maryland.
4. In April 2005, the Board received a complaint that individuals not licensed by the Board were making a preneed funeral arrangements with buyers who subsequently purchased preneed contracts at Hines-Rinaldi.

Client A

- (1) In or around November 2005, Client A contacted Hines-Rinaldi to purchase a pre-need contract for her mother.
- (2) Client A contacted Hines-Rinaldi after receiving a mail advertisement that offered pre-need funeral arrangements at Hines-Rinaldi.
- (3) When Client A went to Hines-Rinaldi to make pre-need funeral arrangements for her mother, Client A met with Individual A.
- (4) Individual A worked as a family service counselor at Hines-Rinaldi.
- (5) Individual A was not licensed by the Board.
Individual A showed Client A general and casket price lists and explained the various prices and options for pre-need funeral arrangements.
- (6) Client A made pre-need funeral arrangements with Employee A before purchasing a pre-need contract.
- (7) Although the pre-need statement of funeral goods and services for Client A's mother was signed by a mortician licensed in the State of Maryland, the mortician whose signature appears on the pre-need statement of funeral goods and services did not make pre-need funeral arrangements with Client A.

Client B

- (1) On or about November 18, 2005, Client B went to Hines-Rinaldi to make pre-need funeral arrangements for his mother.
- (2) Upon arriving at Hines-Rinaldi Client B met with Individual A.
- (3) Individual A showed Client B general and casket price list and explained the various prices and options for pre-need funeral arrangements.
- (4) Client B made pre-need funeral arrangements with Employee A before purchasing a pre-need contract.
- (5) Although the pre-need statement of funeral goods and services was signed by a mortician licensed in the State of Maryland, the mortician whose signature appears on the pre-need statement of funeral goods and services did not make pre-need funeral arrangements for Client B.

Client C

- (1) On or about October 15, 2005, Client C and her husband went to Hines-Rinaldi to make pre-need funeral arrangements.
- (2) Upon arriving at Hines-Rinaldi Client C and her husband met with Individual A.

- (3) Individual A showed Client C and her husband general and casket price lists and explained the various prices and options for pre-need funeral arrangements.
- (4) Client C and her husband made pre-need funeral arrangements with Individual A before purchasing a pre-need contract.
- (5) Although the pre-need statements of funeral goods and services were signed by a mortician licensed in the State of Maryland, the mortician whose signature appears on the pre-need statements of funeral goods and services did not make pre-need funeral arrangements with Client C or Client C's husband.
- (6) By allowing Individual A, who is not licensed by the Board to make pre-need make funeral arrangements at Hines-Rinaldi, Respondent-Corporation violated H.O. § 7-316 (a) (5), (24), (26), and Code Md. Regs. tit. 10, § 29.06.03
- (7) As set forth above, by allowing morticians to sign preneed contracts mabe by individuals not licensed by the Board, the Respondent-Corporation violated the Act and regulations thereunder.

CONCLUSIONS OF LAW

Based upon the above Findings, the Board hereby concludes, as a matter of law, that the Respondent-Corporation violated H.O § 7-316 (A) (5), (24) and (26), as well as § 7-405 (b) (1) and Code Md. Regs. tit. 10, § 29.06.03.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 12 day of Nov., 2008, by a majority of a quorum of the Board,

ORDERED that the Respondent-Corporation is hereby **REPRIMANDED**; and it is further;

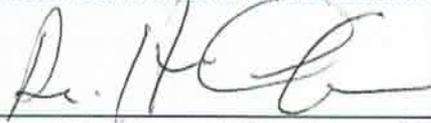
ORDERED that the Respondent-Corporation shall pay to the Board a monetary penalty of \$3000 within 30 days of the effective date of the Order;

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that, should the Board receive a report that the Respondent-Corporation has violated any conditions of this Order, after providing the Respondent-Corporation with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent-Corporation, including suspension or revocation. The burden of proof for any action brought against the Respondent-Corporation as a result of a breach of the conditions of the Order shall be on the Respondent-Corporation to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent-Corporation shall practice in accordance with the laws and regulations governing the practice of mortuary science in Maryland; and be it further

ORDERED that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2004), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Dr. Hari P. Close, II, Mortician, Chairman
Maryland State Board of Morticians and
Funeral Directors

CONSENT OF JACK G. YENT, JR. PRESIDENT OF HINES-RINALDI FUNERAL

HOME, INC.

I, Jack G. Yent, Jr., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, George T. Tyler, and have been advised by him of the legal implication of signing this Consent Order;

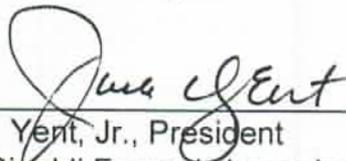
2. I am aware that without my consent, the license of the Respondent-Corporation to practice mortuary science in this State cannot be limited except pursuant to the provisions of § 7-316 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol.).

3. I am aware that the Respondent-Corporation is entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 7-319 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 7-320 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, the Respondent-Corporation may suffer disciplinary action, possibly including revocation, against its license to practice mortuary science in the State of Maryland.

11.11.08

Date



Jack G. Yent, Jr., President
Hines-Rinaldi Funeral Home, Inc.

STATE OF Maryland :

CITY/COUNTY OF Prince Georges:

I HEREBY CERTIFY that on this 11 day of November, 2008,
before

me, DEBBIE DABNEY, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Jack G. Yent, Jr., on behalf of Hines-Rinaldi Funeral Home, Inc.,
License No. C 00022, and made oath in due form of law that signing the foregoing
Consent Order was his voluntary act and deed, and the statements made herein are true
and correct.

AS WITNESSETH my hand and notarial seal.

Debbie Dabney
Notary Public

My Commission Expires: 12-30-2011

