

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Winthrop S. Smith, Sr., Embalmer

Petition No. 950613-30-008

CONSENT ORDER

WHEREAS, Winthrop S. Smith, Sr. of Milford, Connecticut (hereinafter "respondent") has been issued license number 001778 to practice embalming by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. He is the operator of the Smith Funeral Home in Milford, Connecticut.
2. Between approximately February and September of 1995, the following unacceptable conditions existed in the preparation room at the Smith Funeral Home:
 - a. it was generally very dusty and filthy;
 - b. the walls were spattered;
 - c. numerous tiles were missing from the walls;
 - d. the ceiling was stained;
 - e. paint was peeling from the ceiling and walls;
 - f. the floor was worn, dirty and yellowed;
 - g. there were old blood stains on the embalming table and floor;
 - h. the trash can was filthy, and the cover was rotted through, exposing a large hole;
 - i. the sink was extremely dirty and filled with tubes and other items;
 - j. the room was being used for storage of non-essential items; and/or,

- k. embalming instruments were not stored in a cabinet or drawers.
3. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-227, including but not limited to:
 - a. §20-227(2), taken in conjunction with §19a-36-A43 of the Regulations of Connecticut State Agencies (hereinafter "the Regulations");
 - b. §20-227(4); and/or,
 - c. §20-227(5), taken in conjunction with §19a-36-A43 of the Regulations.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board"), the above allegations in this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-227 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-227 of the Connecticut General Statutes, as amended, Winthrop S. Smith, Sr., hereby stipulates and agrees to the following:

1. He waives his right to a hearing on the merits of this matter.
2. His license to practice embalming in Connecticut is hereby reprimanded.
3. He shall pay a civil penalty of one thousand dollars (\$1000) by certified or cashier's check payable to "Treasurer, State of Connecticut." Said civil penalty shall be payable at the time respondent submits this Consent Order to the Department.
4. He shall comply with all state and federal statutes and regulations applicable to his licensure.
5. He understands that this Consent Order is a matter of public record.
6. This Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Board.

7. The Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-227 of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

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I, Winthrops Smith, Sr., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Winthrops Smith, Sr.
Winthrop S. Smith, Sr.

Subscribed and sworn to before me this 9 day of Jan 1997.

Margaret Smith
Notary Public or person authorized
by law to administer an oath or affirmation
Commission Expires 4/30/2000

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 16th day of January 1997, it is hereby accepted.

Stanley K. Peck
Stanley K. Peck, Director
Legal Office

The above Consent Order having been presented to the duly appointed agent of the Board of Examiners of Embalmers and Funeral Directors on the 16 day of January 1997, it is hereby ordered and accepted.

Alia Piny
Board of Examiners of Embalmers and Funeral Directors