

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Hull Funeral Service

Petition No. 2006-0619-056-009

CONSENT ORDER

WHEREAS, Hull Funeral Service of Danbury (hereinafter "respondent") is the holder of Connecticut funeral home inspection certificate number 000240, issued by the Department of Public Health (hereinafter "the Department") and,

WHEREAS, the Department alleges that:

1. On or about May 1, 2001, the representative of M.M. and The W.F. Tomlinson Co. (a/k/a Tomlinson Funeral Home)(hereinafter "Tomlinson") of Danbury, CT entered into an irrevocable pre-need funeral service contract. An initial deposit of \$100.00 was deposited by Tomlinson into an escrow account with Access Financial Group, Inc. on May 1, 2001, and an additional \$5300.00 payment was made by the representative of M.M. to Tomlinson on June 28, 2001.
2. During approximately 2004, Tomlinson closed, and it was discovered that the additional \$5300.00 had never been deposited by Tomlinson into the escrow account. Attorney David Nohe, attorney for Tomlinson, agreed to pay the missing \$5300.00 to respondent, who had been selected by the representative of M.M. to replace Tomlinson in providing the funeral services.
3. On or about January 13, 2005, the representative of M.M. authorized the transfer of the pre-need escrow account to respondent.

4. On or about the week of January 12, 2005, respondent received and accepted a check in the amount of \$5300.00 drawn on the trustee account of Attorney Nohe for the transfer of the pre-need funeral account.
5. During approximately January 2005, respondent made funeral arrangements for M.M. with her representative, and sent the representative a pre-paid funeral contract and a statement of goods and services selected. The representative of M.M. signed and returned the forms in January 2005.
6. Respondent failed to provide the representative of M.M. with a general price list of goods and services available prior to and/or while making said arrangements.
7. Respondent failed to deposit the pre-need funeral account check into the Access Financial Group, Inc. escrow account until approximately April 11, 2005. At that time respondent was unaware that the check was no longer negotiable and there were no longer sufficient funds to cover the check.
8. On or about April 11, 2005, respondent informed the representative of M.M. that as of that date M.M. would have \$5400.00 in her irrevocable pre-need escrow account.
9. Respondent did not sign the pre-need contract until approximately April 11, 2005, and failed to provide the representative of M.M. with an executed copy of the pre-need contract.
10. On or about April 25, 2005, respondent was notified by Access Financial Group, Inc. that the check for \$5300.00 did not clear the bank. Respondent did not make any effort to obtain a new check and did not notify the representative of M.M. that the check had not cleared.
11. Respondent made no contact with the representative of M.M. until she called respondent in May 2006, when M.M.'s death was imminent.
12. On or about May 18, 2006, respondent informed the representative of M.M. that only \$114.49 was available in the escrow account, and that funeral services would only be provided if the family paid in full for the services.

13. Upon M.M.'s death, the family elected to have funeral services performed by another local funeral home.

14. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including, but not limited to:

- a. §42-202(a);
- b. §20-227(2);
- c. §20-227(4);
- d. §20-227(5);
- e. §20-230a;
- f. §20-230b; and/or

the Regulations of Connecticut State Agencies, including but not limited to:

- a. §20-211-34.

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 Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-227 of the General Statutes of Connecticut, and

WHEREAS, respondent has reimbursed Jowdy-Kane Funeral Home, which provided the funeral services for M.M., the amount of the pre-need fund (\$5300.00), plus interest.

WHEREAS, Jeffrey Hull, president and embalmer of Hull Funeral Service, has completed continuing education in State and Federal Law pertaining to embalming.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-227 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's inspection certificate number 000240 to operate as a funeral home in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand dollars (\$1000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
7. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
8. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
9. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which its compliance with this Consent Order or with §20-227 of the General Statutes of Connecticut, as amended, is at issue.
10. 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, 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.

11. 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.
12. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch 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 this executed Consent Order is approved or accepted.
13. Respondent has the right to consult with an attorney prior to signing this document.
14. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Jerry Hull, affirm that I am fully authorized and empowered to bind respondent. I 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.

Jerry Hull, President
Jerry Hull, Pres.
Hereunto duly Authorized.

Subscribed and sworn to before me this 23rd day of July 2008.

Paul P. DeLuca
Notary Public or person authorized
by law to administer an oath or affirmation
PAUL P. DeLuca
Commissioner of Superior Court

The above Consent Order having been presented to the duly appointed agent of the

Commissioner of the Department of Public Health on the 25th day of

July 2008, it is hereby accepted.

Jennifer Filippone
Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Board of

Examiners of Embalmers and Funeral Directors on the 7 day of August 2008,

it is hereby ordered and accepted.

Alan Pirozi
Board of Examiners of Embalmers and Funeral Directors