

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Frank Polke and Son Funeral Home, Inc.

Petition No. 2002-0211-056-003

CONSENT ORDER

WHEREAS, Frank Polke and Son Funeral Home, Inc of Bridgeport, CT (hereinafter "respondent") has been issued inspection certificate number 000334 to conduct business as a funeral home by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In September 2001 and again in January 2002, a Department inspector conducted inspections at the Frank Polke and Son Funeral Home, Inc. and identified unsanitary conditions in the preparation room.
2. From 2000 to 2002, bio-hazardous waste from the Frank Polke and Son Funeral Home, Inc. was discarded along with the regular waste from the funeral home, into the city trash.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227.

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"), this Consent Order shall have the

same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-14 and 20-227 of the General Statutes of Connecticut.

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 000334 to conduct business as a funeral home in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) 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.
6. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
7. 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.
8. 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.
9. 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

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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 it may have under the laws of the State of Connecticut or of the United States.

10. 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.
11. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services 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.
12. Respondent has the right to consult with an attorney prior to signing this document.
13. 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, Frank Polke, President of the Frank Polke and Son Funeral Home, Inc, have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said funeral home. I hereby 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.

Frank S Polke
Frank Polke

Subscribed and sworn to before me this 14TH day of AUGUST 2003.

Frances M S - Dolny
Notary Public or person authorized Comm Exp
by law to administer an oath or affirmation

5/31/08

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21st day of August 2003, it is hereby accepted.

Stanley K. Peck
Stanley K. Peck, Director, Legal Office
Bureau of Regulatory Services

The above Consent Order having been presented to the duly appointed agent of the Board on the 6 day of November 2003, it is hereby ordered and accepted.

Celia P...
Connecticut Board of Examiners of Embalmers
and Funeral Directors