

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES

In re: Dunn Funeral Home, Inc.

Petition No. 980611-056-004

CONSENT ORDER

WHEREAS, Dunn Funeral Home, Inc. of Bristol (hereinafter "respondent") has been issued license number 000426 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. On February 2, 1997, Mr. Jeffrey Meyer, was respondent's President. On that date, he called Ms. Gale Reno to inform her that respondent had the remains of Constance Pontes, Ms. Reno's mother, and that respondent would take care of her funeral arrangements.
2. On February 3, 1997, Ms. Reno spoke with Mr. Meyer at respondent's place of business. At that time, Mr. Meyer asked Ms. Reno which services she desired. Ms. Reno signed a blank contract on February 3, 1997, on which no prices had been inserted.
3. Mr. Meyer did not give Ms. Reno a copy of the contract before she left. After she left respondent's place of business, and before she received a bill or was shown a contract with prices listed, Ms. Reno handed Mr. Meyer a \$700 cash deposit.

4. No person acting on behalf of respondent ever showed Ms. Reno a general price list, a casket price list, an outer burial container price list, or any of the disclosures required by 16 CFR Part 453.
5. After February 3, 1997 and before February 7, 1997, respondent gave Ms. Reno a bill for \$4,540. The bill included charges for embalming, a casket, and an outer burial container. The remains of Constance Pontes were cremated.
6. On February 7, 1997, Mr. Meyer, acting on behalf of respondent, submitted a bill to the City of Bristol Welfare Department for payment of the funeral expenses. The amount of the February 7, 1997 bill was \$1200. Mr. Meyer submitted an affidavit with the bill. The affidavit falsely averred that the \$1200 represented the total charges for the burial and funeral and that respondent would not accept additional payments from any other source.
7. On or about July 10, 1997, respondent demanded payment from Ms. Reno, threatened to sue her if she did not pay, and sent her another bill. The second bill was in the amount of \$4,415.00 and listed only a \$600 cash deposit had been paid.
8. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including, but not limited to §20-227(4).

WHEREAS, respondent, in consideration of this Consent Order and without admitting any wrongdoing, has chosen not to contest this matter and 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, 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 shall cease and desist permanently from any attempt to obtain payment for the funeral of Constance Pontes, except to the extent allowed by an order of the Probate Court for the Probate District of Bristol dated March 19, 1998 in the Matter of Constance Pontes.
3. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions:
  - a. Respondent shall immediately submit to Bonnie Pinkerton at the Department of Public Health a copy of its current casket price list, outer burial container price list, and general price list, and shall subsequently revise them to conform them to all applicable federal and state statutes and regulations if the Department finds that they do not so comply.
  - b. Respondent shall in all future transactions give each customer a copy of the approved casket price list, outer burial container price list, and general price list, at the time that the customer inquires about respondent's funeral services, and shall obtain from each such customer a signature on a form approved by the Department that said customer has received each of the aforesaid price lists.
  - c. Respondent shall keep each aforesaid signed form on file for not less than the period of probation.
  - d. Respondent shall, at its own expense, permit a licensed funeral director who has been approved by the Department to make a monthly review of all customer files opened in the previous month, and any other necessary records, in order to ensure compliance with

paragraphs 4.b. and 4.c.. The monitor shall file a report of his findings with the Department.

e. Respondent shall comply with the all terms of this consent order regardless of whether Mr. Jeffrey Meyer remains affiliated with it as owner, officer, or employee.

4. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
Division of Health Systems Regulation  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

5. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

6. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.

7. Respondent shall pay all costs necessary to comply with this Consent Order.

8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.

b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.

c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the

Department that it has complied with the terms of this Consent Order or, in the alternative, that it has cured the violation in question.

- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, it shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
  - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from conducting business as a funeral home, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that its failure to cooperate with the Department's investigation shall constitute an admission that its conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
  10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of its license before the Board.
  11. In the event respondent is not conducting business as a funeral home for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such

periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

12. 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.
13. 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.
14. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any 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.
15. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
16. 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 it may have under the laws of the State of Connecticut or of the United States.
17. 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.
18. 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.

19. Respondent has the right to consult with an attorney prior to signing this document.

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I, Jeffrey Meyer, President of Dunn Funeral Home, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Dunn Funeral Home, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Jeffrey E Meyer  
Dunn Funeral Home, Inc. by  
Jeffrey Meyer, Its President

Subscribed and sworn to before me this 28th day of July 1999.

Charles A. McElroy  
Notary Public or person authorized  
by law to administer an oath or affirmation  
*My Commission Expires 2-28-2000*

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

Commissioner of the Department of Public Health on the 30th day of July 1999.

Cynthia Denne  
Cynthia Denne, Director  
Division of Health Systems Regulation

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

on the 9 day of 9 1999, it is hereby ordered and accepted.

Celia Piro  
Connecticut Board of Examiners of Embalmers  
and Funeral Directors