

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH**

In re: Dunn Funeral Home

Petition No. 2008-0731-056-006

CONSENT ORDER

WHEREAS, Dunn Funeral Home of Bristol (hereinafter "respondent") has been issued license number 000426 to operate 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 respondent admits that:

1. At various times between 1992 and 2008, respondent established and accepted payments for pre-need funeral service contracts, but failed to appoint escrow agents and to deposit the funds into escrow accounts within 15 days as required.
2. At various times between 1992 and 2008, respondent established and accepted payments for pre-need funeral service contracts, but failed to maintain proper documentation of payments received for the pre-need funeral service contracts, and/or failed to keep records of funeral services and merchandise sold and purchased.
3. At various times prior to 2009, respondent discarded or destroyed pre-need funeral contract files that had been transferred to other funeral homes.
4. At various times between 1992 and 2008, respondent deposited funds received for pre-need funeral service contracts into the funeral home's checking account, and/or diverted such funds to pay funeral home and/or personal expenses.

5. At various times since 1994, respondent used the funds received from approximately 30 pre-need funeral service contracts to pay for insurance policies sold to families by its embalmer.
6. During approximately June 2008, respondent supplied an outer burial container for the funeral of R.R. which was of a lesser value than the one purchased by the 4/13/07 pre-need funeral service contract, and failed to refund the proper difference to the family.
7. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including but not limited to:
 - a. §20-222(g)(1);
 - b. §20-227(2);
 - c. §20-227(4);
 - d. §20-227(5);
 - e. §42-202;
 - f. §42-203; and/or
 - g. §42-206.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Board of Examiners for 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-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 license number 000426 to operate as a funeral home in the State of Connecticut is hereby reprimanded.

3. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. 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.
6. 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.
7. 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.
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, 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.
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 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.
11. Respondent has the right to consult with an attorney prior to signing this document.

12. 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. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.

13. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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I, Jeffrey Meyer, affirm that I am fully authorized and empowered to bind Dunn Funeral Home.

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.

Jeffrey Meyer
Jeffrey Meyer, Embalmer

Subscribed and sworn to before me this 13th day of Aug 2009.

John F. Droney
Notary Public or person authorized John F. Droney
by law to administer an oath or affirmation
Commonwealth of MA

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

Commissioner of the Department of Public Health on the 17th day of

August 2009, 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

on the 1st day of September 2009, it is hereby ordered and accepted.

Harriel P. Gowdy
Board of Examiners of Embalmers and Funeral Directors