

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Wade Funeral Home

Petition No. 2001-0628-000-063

CEASE AND DESIST CONSENT ORDER

WHEREAS, the Connecticut Board of Examiners for Embalmers and Funeral Directors (hereinafter "the Board") is a state agency charged with the regulation of funeral homes;

WHEREAS, Wade Funeral Home of New Haven, Connecticut (hereinafter "respondent") was issued inspection certificate number 000439 to conduct a funeral service business by the Department of Public Health (hereinafter "the Department"), pursuant to Chapter 385 of the General Statutes of Connecticut. Said license expired in June 2000;

WHEREAS, the General Statutes of Connecticut, §20-222 provides that no person, firm, or partnership shall carry on a funeral service business in this State unless it holds an inspection certificate issued by the Department;

WHEREAS, the Department alleges that, during the time period of 2000-2001, respondent carried on a funeral service business without having a valid inspection certificate to do so;

WHEREAS, the Board is authorized by the General Statutes of Connecticut §19a-11 to issue an appropriate order to any person found to be violating an applicable statute; and,

WHEREAS, respondent, in consideration of this Cease and Desist Consent Order, has chosen not to contest the above allegations of wrongdoing but while admitting no guilt or wrongdoing, agrees that for the purposes of this or any future proceedings before the Board, the above allegations shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-9 and 19a-10 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to Chapter 385 and §19a-11 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 agrees to cease and desist carrying on a funeral service business or any other practice that requires licensure in the State of Connecticut without first obtaining an appropriate certificate.
3. Respondent agrees that should it seek to reinstate its inspection certificate at any time in the future, the allegations contained in the Statement of Charges issued in Petition No. 2001-0628-000-063 shall be deemed true. The Department shall have absolute discretion as to whether said inspection certificate shall be issued or reinstated, and if so, whether said inspection certificate shall be subject to conditions.
4. This Cease and Desist 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 said Consent 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 other rights that it may have under the laws of the State of Connecticut or of the United States.

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5. This Cease and Desist 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.
6. This Cease and Desist Consent Order is effective after the last signature is affixed to this document.
7. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services of the Department to present this Cease and Desist Consent Order and the factual basis for said Cease and Desist Consent Order to the Board. Respondent understands that said Board has complete and final discretion as to whether or not an executed Cease and Desist Consent Order is approved or granted.
8. Respondent understands that it has the right to consult with an attorney prior to signing this document.
9. This Cease and Desist Consent Order is a matter of public record.
10. Respondent agrees that this Cease and Desist Consent Order shall be deemed a public document, and that the Department's allegations as contained in this Cease and Desist Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) its compliance with this Cease and Consent Order is at issue, or (2) its compliance with the provisions of Title 20 of the Connecticut General Statutes is at issue.

The authorized representative for the Wade Funeral Home, having read the above Cease and Desist Consent Order, agrees to the terms and allegations set forth therein. I further declare the execution of this Cease and Desist Consent Order to be my free act and deed.

Michael Adams

authorized representative for the Wade Funeral Home

Subscribed and sworn to before me this 13th day of September 2001.

[Signature]

Notary Public or person authorized by law to administer an oath or affirmation

Commissioner of the Superior Court

The above Cease and Desist Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 28th day of September 2001, it is hereby accepted.

[Signature]

Debra J. Turcotte, Director
Division of Health Systems Regulation

The above Cease and Desist Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Embalmers and Funeral Directors on the 13 day of November 2001, it is hereby ordered and accepted.

[Signature]

Board of Examiners for Embalmers and Funeral Directors