

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

In Re: Hartford Trade Service

Petition No. 2006-0427-056-007

STATEMENT OF CHARGES

Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Hartford Trade Service:

COUNT ONE

1. Hartford Trade Service of East Hartford, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut funeral home inspection certificate 467
2. During 2005-2006, respondent utilized unlicensed person(s) to embalm human remains, in violation of Connecticut General Statute §20-212.
3. During 2005-2006, unlicensed person(s) at respondent performed licensed activities, including offering to make funeral arrangements.
4. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4);
 - c. §20-227(5); and/or,
 - d. §20-227(7).

COUNT TWO

5. Paragraph 1 is incorporated herein by reference as if set forth in full.
6. During 2005 and/or 2006, respondent employed a number of student embalmers in fulltime positions that exceeded the number permitted by statute.
7. Some of said student embalmers were misrepresented as having been apprenticed to another licensed funeral home.
8. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4);

- c. §20-227(5); and/or,
- d. §20-227(7).

COUNT THREE

- 9. Paragraph 1 is incorporated herein by reference as if set forth in full.
- 10. During 2004-2006, respondent's agent(s) offered, sold, and/or delivered goods and services that were not listed on their respective general price lists, including but not limited to:
 - a. refrigeration;
 - b. retrieval of cremains;
 - c. urns;
 - d. sanitary care and pouching;
 - e. use of pall bearers;
 - f. transfers to crematory;
 - g. trips to domicile and probate court;
 - h. office work; and/or
 - i. research.
- 11. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT FOUR

- 12. Paragraph 1 is incorporated herein by reference as if set forth in full.
- 13. During 2004-2006, respondent's agent(s) represented to various families of deceased individuals and probate courts that they delivered or provided goods and/or services that, in fact, were not supplied, including but not limited to:
 - a. use of hearse(s);
 - b. use of sedan(s);
 - c. certified death certificate(s);
 - d. refrigeration of human remains; and/or,
 - e. embalming.
- 14. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or
 - c. §20-227(5).

COUNT FIVE

15. Paragraph 1 is incorporated herein by reference as if set forth in full.
16. During 2004-2006, respondent's agent(s) improperly billed for the delivery of goods and/or services that, in fact, were not supplied, including but not limited to:
 - a. use of hearse(s);
 - b. use of sedan(s);
 - c. certified death certificate(s);
 - d. refrigeration of human remains; and/or,
 - e. embalming.
17. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT SIX

18. Paragraph 1 is incorporated herein by reference as if set forth in full.
19. During 2004-2006, respondent's agent(s) submitted inaccurate death certificates to various governmental agencies.
20. During 2005-2006, respondent's agent(s) failed to amend death certificates within a reasonable timeframe.
21. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT SEVEN

22. Paragraph 1 is incorporated herein by reference as if set forth in full.
23. During 2004-2006, respondent's agent(s) failed to timely obtain Removal, Transit and Burial Permits for various human remains, in violation of Connecticut General Statute Section 7-65.
24. During 2004-2006, respondent's agent(s) failed to timely file death certificates, in violation of Connecticut General Statute Section 7-62b.
25. The above-described facts constitute grounds for disciplinary action pursuant to the

General Statutes of Connecticut, §20-227, including but not limited to:

- a. §20-227(2);
- b. §20-227(4); and/or,
- c. §20-227(5).

COUNT EIGHT

- 26. Paragraph 1 is incorporated herein by reference as if set forth in full.
- 27. During April 2006, respondent failed to maintain a current and accurate itemized price list of service(s) and good(s).
- 28. During April 2006, respondent maintained multiple itemized price lists of service(s) and good(s) which contained different prices for the same items.
- 29. During 2004-2006, respondent's agent(s) improperly failed to provide an itemized, written statements of goods and services to the appropriate family member(s), fiduciaries and/or probate court(s), prior to rendering service(s) or providing merchandise, in violation of Connecticut General Statute §20-230b.
- 30. During 2004-2006, respondent's agent(s) failed to maintain a copy of such itemized, written statement.
- 31. During 2006, respondent's agent(s) failed to provide the Department, upon request, with copies of itemized, written statements, given prior to rendering service(s) or providing merchandise, for funeral arrangements.
- 32. During 2004-2006, respondent's agent(s) failed to follow the published price lists when billing for merchandise and/or services, thereby charging fees in excess of the price list.
- 33. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT NINE

- 34. Paragraph 1 is incorporated herein by reference as if set forth in full.
- 35. During 2004-2006, while respondent was under contract with the Connecticut Office of the Chief Medical Examiner (hereinafter "OCME") to provide body service transportation, for a fee:
 - a. respondent's agent(s) misrepresented the need to pay for the transportation of a decedent's remains, to various families of decedents and/or probate courts; and/or,
 - b. respondent's agent(s) billed the estates of decedents for transportation of decedents that was covered by such contract.

36. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
- a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT TEN

37. Paragraph 1 is incorporated herein by reference as if set forth in full.
38. During 2004-2006, respondent's agent(s) improperly charged various estates and/or families for alternative cremation containers. The cost of such alternative containers was included in the cash advance crematory fees.
39. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
- a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT ELEVEN

40. Paragraph 1 is incorporated herein by reference as if set forth in full.
41. During 2004-2006, respondent's agent(s) improperly charged for funeral arrangements by separately billing additional fees for services that were included in the fee for Basic Services of Funeral Director and Staff.
42. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
- a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT TWELVE

43. Paragraph 1 is incorporated herein by reference as if set forth in full.
44. During 2006, respondent did not have a bathroom available for public use, in violation of §19-13-B106 of the Regulations of Connecticut State Agencies.
45. 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).

COUNT THIRTEEN

46. Paragraph 1 is incorporated herein by reference as if set forth in full.
47. During 2004-2006, respondent was under contract with OCME to provide body service transportation, for a fee.
48. Said contract prohibited respondent's agent(s) from soliciting business while performing such service for OCME.
49. During 2004-2006, while maintaining remains pending disposition, pursuant to said contract, respondent's agent(s) improperly offered to make funeral service arrangements for decedents for whom respondent provided body transportation service under its contract with OCME.
50. During 2004-2006, while maintaining remains pending disposition, pursuant to said contract, respondent's agent(s) improperly sought administration and/or administered the estates of such decedents.
51. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT FOURTEEN

52. Paragraph 1 is incorporated herein by reference as if set forth in full.
53. During August 2006, J. D. died in Meriden, Connecticut.
54. Decedent J. D. was predeceased by her husband, who had been buried in a local cemetery.
55. Decedent was survived by her son.
56. On or about August 4, 2006, respondent's agent(s) performed a removal of decedent from her home in Meriden, pursuant to a contract with OCME.
57. On or about August 22, 2006, respondent's agent applied to Meriden Probate Court (hereinafter "Probate Court"), as a Funeral Director, for custody of the decedent's remains, representing that the decedent left no surviving next of kin.
58. On or about August 23, 2006, respondent's agent applied to Probate Court for the temporary administration of Decedent J. D.'s estate for the stated purpose of affording the decedent a "proper burial" after misrepresenting that decedent's only next of kin, her son, was in prison. Decedent's son was not in prison.

59. On or about August 23, 2006, Probate Court awarded respondent's agent custody and control of the body of the decedent for final disposition.
60. On or about August 24, 2006, respondent's agent applied for a cremation permit for decedent.
61. On or about August 24, 2006, decedent J. D. was cremated, without any consultation with her son.
62. Subsequently, on or about August 28, 2006, Probate Court appointed respondent's agent, Kevin Riley, as Temporary Administrator, "for the sole purpose of having a proper burial for [J. D.]"
63. Respondent failed to inform Probate Court of the August 24, 2006 cremation.
64. The death certificate of decedent, which bears respondent's name, incorrectly states that decedent J. D. was cremated on August 31, 2006.
65. The death certificate was not corrected within a reasonable timeframe.
66. Subsequent to respondent's agent's application to Probate Court for Temporary Administration, respondent's agent(s) disposed of personal property of the decedent and/or her surviving son, from decedent's home and estate, without having received proper authorization from Probate Court.
67. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT FIFTEEN

68. Paragraph 1 is incorporated herein by reference as if set forth in full.
69. During 2004-2006, respondent's agent(s) improperly billed for "cash advance" items for funeral arrangements, by failing to bill the net amount paid for such items.
70. During 2004-2006, respondent's agent(s) improperly charged additional fees for merchandise that was provided by the purveyor of cash advance items for funeral arrangements.
71. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT SIXTEEN

72. Paragraph 1 is incorporated herein by reference as if set forth in full.
73. On or about July 27, 2005, S. S. died in Bridgeport, Connecticut.
74. On or about July 27, 2005, respondent's agent(s) performed a removal of decedent from her home, pursuant to a contract with OCME.
75. From approximately July 27, 2005 to August 10, 2005, the human remains of decedent were in the care of OCME, and physically housed with respondent.
76. On or about August 10, 2005, an agent for respondent was granted custody and control of this decedent by the Bridgeport Probate Court for final disposition.
77. Respondent's agent(s) improperly charged such decedent's estate for 49 days of refrigerated storage of decedent's remains.
78. During 2005, respondent's agent(s) failed to properly dispose of the human remains of decedent in a timely fashion.
79. Respondent's agent(s) presented two different written statements to the representative(s) of decedent of goods and services selected for the funeral arrangements of S. S. Said written statements are inconsistent, in that only one of the two statements indicate decedent was embalmed.
80. The death certificate filed by respondent's agent and one of the two statements of goods and services selected indicate that this decedent's body was not embalmed.
81. The prices of goods and services on the two statements are inconsistent in that different prices are listed on each for transportation fees, pallbearers, and/or cooler fees.
82. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT SEVENTEEN

83. Paragraph 1 is incorporated herein by reference as is set forth in full.
84. On or about February 6, 2006, R. L. died in Wallingford, Connecticut.
85. On or about February 6, 2006, respondent's agent(s) performed a removal of decedent

from his home in Wallingford, pursuant to its contract with the OCME.

86. On or about February 21, 2006, respondent's agent(s) applied to Wallingford Probate Court for custody and control of decedent's remains.
87. On or about February 22, 2006, respondent's agent(s) filed a death certificate for decedent indicating a cremation date of February 21, 2006. Decedent, in fact, was cremated on or about March 1, 2006.
88. The death certificate for decedent was not timely corrected.
89. Respondent's agent(s) improperly charged such decedent's estate for refrigerated storage of decedent's remains while decedent was in the custody of OCME, and physically housed with respondent.
90. Respondent's agent(s) improperly charged such decedent's estate for refrigerated storage of decedent's remains for the period of February 1, 2006 – February 28, 2006.
91. Respondent's written statement of goods and services selected submitted to such decedent's estate included items not on its general price list, including but not limited to:
 - a. refrigeration;
 - b. transfer fee; and/or,
 - c. office work, research, paperwork, and/or trip to house and probate.
92. Respondent's agent(s) improperly charged decedent's estate an additional fee for an alternative cremation container. The cash advance crematory fee included the purchase of an alternative cremation container required for the cremation.
93. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT EIGHTEEN

94. Paragraph 1 is incorporated herein by reference as if set forth in full.
95. On or about January 24, 2006, A. C. died in East Haven, Connecticut.
96. On or about February 10, 2006, respondent's agent filed a death certificate for this decedent, listing respondent as the custodian.
97. Such death certificate indicates that decedent was buried on or about February 10, 2006.
98. Such death certificate indicates that this decedent's body was not embalmed.

99. Respondent's written statement of goods and services selected for decedent's funeral arrangements, dated April 28, 2006, improperly lists a charge for embalming.
100. The written statement of goods and services incorrectly indicates that refrigeration was required by "law, cemetery or crematory requirements."
101. Respondent's written statement of goods and services for decedent's funeral arrangements, dated April 28, 2006, includes items not listed on its general price list, including but not limited to:
 - a. refrigeration;
 - b. locksmith services and new locks;
 - c. pall bearers;
 - d. hearse and sedan;
 - e. service/utility vehicle.
102. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT NINETEEN

103. Paragraph 1 is incorporated herein by reference as if set forth in full.
104. Coventry Funeral Home of Coventry, CT (hereinafter "Coventry Funeral") is and was the holder of Connecticut funeral home inspection certificate 483.
105. During 2006, Kevin Riley, an embalmer who holds embalmer license number 2251, was the owner and/or manager of respondent and of Coventry Funeral.
106. On or about April 28, 2006, J. C. died in West Hartford, Connecticut.
107. On or about April 28, 2006, respondent's agent(s) performed a removal of decedent from his home in West Hartford pursuant to its contract with OCME.
108. On or about May 25, 2006, respondent's agent applied to the West Hartford Probate Court for custody and control of decedent's remains. West Hartford Probate Court awarded said agent custody and control on June 1, 2006.
109. On or about June 1, 2006, respondent's agent submitted an application to West Hartford Probate Court to become the temporary administrator of decedent's J. C.'s estate.
110. The West Hartford Probate Court did not authorize respondent's agent(s) to provide and/or charge for funeral goods and services prior to the rendering of such goods and services, or to transfer custody and control of decedent's remains.

111. Respondent improperly transferred custody and control of decedent's remains to Coventry Funeral Home (hereinafter "Coventry Funeral").
112. On or about June 27, 2006, Coventry Funeral and/or its agent submitted an itemized statement of goods and services selected to West Hartford Probate Court, requesting authorization to make payment for the funeral arrangements of such decedent
113. Kevin Riley, as agent for Coventry Funeral improperly charged for refrigerated storage of decedent's remains when the decedent was in the custody of the OCME, and physically housed with respondent.
114. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
 - a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

COUNT TWENTY

115. Paragraph 1 is incorporated herein by reference as if set forth in full.
116. At all times referenced herein, Kevin Riley, embalmer license number 2251, was the owner and/or manager of Coventry Funeral Home.
117. Decedent H. G. died in Columbia, Connecticut during October 2005.
118. On or about October 18, 2005, respondent's agent(s) performed a removal of decedent from her home in Columbia pursuant to its contract with OCME.
119. Subsequently, the human remains of such decedent were in the care of OCME, and physically housed with respondent.
120. Respondent's written statement of goods and services selected for said decedent is dated October 18, 2005 and is signed with the name of Kevin Riley.
121. On or about October 19, 2005, Kevin Riley, as Funeral Director, filed an application for custody and control of the body of decedent H. G., for disposition, in Andover Probate Court.
122. Andover Probate Court awarded Mr. Riley said custody and control on October 19, 2005.
123. Respondent's written statement of goods and services selected, submitted to such decedent's estate, included items not on its general price list, including but not limited to:
 - a. refrigeration;
 - b. sanitary care;
 - c. retrieval of cremains;

- d. urn; and/or
 - e. various research, travel, meetings, paperwork, and/or arrangements.
124. Respondent improperly charged decedent's estate an additional fee for an alternative cremation container required for the cremation. The cash advance crematory fee included the purchase of an alternative cremation container required for cremation.
125. Respondent improperly billed such decedent's estate for transportation of decedent's remains that was covered by its contract with OCME to provide body service transportation.
126. Respondent improperly charged such decedent's estate for refrigerated storage of decedent's remains while said remains were in the custody of OCME.
127. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including but not limited to:
- a. §20-227(2);
 - b. §20-227(4); and/or,
 - c. §20-227(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners of Embalmers and Funeral Directors, as authorized in §§19a-17 and 20-227, revoke or order other disciplinary action against the funeral home inspection certificate of Hartford Trade Service as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 10th day of January 2007.



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