

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet

Lancaster

County

ENTERED AND FILED  
PROTHONOTARY'S OFFICE

LANCASTER, PA

For Prothonotary Use Only: **\*\*\*Electronically Filed\*\*\***

Aug 13 2020 10:16AM

Docket No:

Ricci M. Dehl

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

### Commencement of Action:

- Complaint     
  Writ of Summons     
  Petition  
 Transfer from Another Jurisdiction     
  Declaration of Taking

Lead Plaintiff's Name:  
Commonwealth of PA, Office of Attorney General

Lead Defendant's Name:  
Andrew T. Scheid

Are money damages requested?  Yes     No

Dollar Amount Requested: **GT-20-05427**  
(check one)     
  within arbitration limits  
 outside arbitration limits

Is this a *Class Action Suit*?       Yes     No

Is this an *MDJ Appeal*?       Yes     No

Name of Plaintiff/Appellant's Attorney: Juan P. Sanchez

**Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)**

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

#### TORT (do not include Mass Tort)

- Intentional  
 Malicious Prosecution  
 Motor Vehicle  
 Nuisance  
 Premises Liability  
 Product Liability (does not include mass tort)  
 Slander/Libel/ Defamation  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### CONTRACT (do not include Judgments)

- Buyer Plaintiff  
 Debt Collection: Credit Card  
 Debt Collection: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Employment Dispute:  
     Discrimination  
 Employment Dispute: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Other:  
 \_\_\_\_\_  
 \_\_\_\_\_

#### CIVIL APPEALS

- Administrative Agencies  
 Board of Assessment  
 Board of Elections  
 Dept. of Transportation  
 Statutory Appeal: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Zoning Board  
 Other:  
 \_\_\_\_\_  
 \_\_\_\_\_

#### MASS TORT

- Asbestos  
 Tobacco  
 Toxic Tort - DES  
 Toxic Tort - Implant  
 Toxic Waste  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### REAL PROPERTY

- Ejectment  
 Eminent Domain/Condemnation  
 Ground Rent  
 Landlord/Tenant Dispute  
 Mortgage Foreclosure: Residential  
 Mortgage Foreclosure: Commercial  
 Partition  
 Quiet Title  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### MISCELLANEOUS

- Common Law/Statutory Arbitration  
 Declaratory Judgment  
 Mandamus  
 Non-Domestic Relations  
 Restraining Order  
 Quo Warranto  
 Replevin  
 Other: Consumer Protection Law  
 \_\_\_\_\_  
 \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
**PROTHONOTARY  
CIVIL COVER SHEET**

ENTERED AND FILED  
PROTHONOTARY'S OFFICE  
LANCASTER, PA

\*\*\*Electronically Filed\*\*\*

Aug 13 2020 10:16AM

Ricci M. Dehl

PLEASE LIST NAMES AND ADDRESSES OF ADDITIONAL PARTIES ON A SEPARATE SHEET.

ALL PARTY INFORMATION IS REQUIRED INCLUDING ZIP CODES. ALL PARTY INFORMATION MUST MATCH THE PLEADING. PLEASE DO NOT STAPLE THE COVER SHEET TO THE PLEADING. IF AN EVENT NEEDS TO BE SCHEDULED, A CAO SCHEDULING COVER SHEET MUST ALSO BE ATTACHED.

TYPE OF ACTION: Complaint in Equity - Consumer Protection Law

For Prothonotary Use Only:

DOCKET No: CI -

**PARTY INFORMATION**

PLAINTIFF'S NAME: Comm. of PA, Office of Attorney General

DEFENDANT'S NAME: Andrew T. Scheid

ADDRESS: 15th Floor, Strawberry Square  
Harrisburg, PA 17120  
*If confidential, use 2<sup>nd</sup> sheet*

ADDRESS: 121 South Prince Street  
Lancaster, PA 17603

**CI-20-05427**

MUNICIPALITY: Harrisburg

MUNICIPALITY: Lancaster

TWP/BOROUGH: \_\_\_\_\_

TWP/BOROUGH: \_\_\_\_\_

DOB: \_\_\_\_\_ TELEPHONE #: (717) 857-2087  
*(mm/dd/yyyy) (#####)*

DOB: 06/04/1971 TELEPHONE #: (717) 397-8298  
*(mm/dd/yyyy) (#####)*

**FILING ATTORNEY / FILING PARTY INFORMATION**

FIRM/OFFICE: Commonwealth of Pennsylvania, Office of Attorney General

FILING ATTORNEY/PARTY: Juan P. Sanchez

AOPC: (Attorney ID) #: 206839

ADDRESS: 15th Floor, Strawberry Square CITY: Harrisburg STATE: PA ZIP CODE: 17120

TELEPHONE #: (717) 857-2087 EMAIL: jpsanchez@attorneygeneral.gov  
*(#####)*

**TAX LIEN INFORMATION**

MUNICIPALITY: \_\_\_\_\_ MAP REFERENCE: \_\_\_\_\_

DEED BOOK: \_\_\_\_\_ DEED PAGE: \_\_\_\_\_ DEED DATE: \_\_\_\_\_

SALE PRICE: \_\_\_\_\_ TAX YEAR: \_\_\_\_\_ TAX LIEN AMOUNT: \_\_\_\_\_

PROPERTY DESCRIPTION: \_\_\_\_\_

**PFA/SVPO/PFI INFORMATION**

HEARING DATE: \_\_\_\_\_ SOCIAL SECURITY #: (Defendant – Last 4 digits) \_\_\_\_\_

POLICE DEPARTMENT: \_\_\_\_\_

PREVIOUS PETITIONS: YES  NO  If 'YES', File Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF  
LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY

COMMONWEALTH OF PENNSYLVANIA :  
by Attorney General Josh Shapiro : Case No. CI-20-  
 :  
Plaintiff, : CIVIL ACTION  
 :  
v. :  
 :  
 :  
ANDREW T. SCHEID, individually and d/b/a :  
ANDREW T. SCHEID FUNERAL HOME :  
 :  
Defendant. :

**CI-20-05427**

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.**

Lancaster Bar Association  
Lawyer Referral Service  
28 East Orange Street  
Lancaster, PA 17602  
Telephone: 717-393-0737

**THIS IS NOT AN ARBITRATION CASE**

This case has been brought by the Commonwealth under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1, *et seq.*,

**AN ASSESSMENT OF DAMAGES HEARING IS REQUIRED**

**IN THE COURT OF COMMON PLEAS OF  
LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY**

**CI-20-05427**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
<b>by Attorney General Josh Shapiro</b>	:	<b>Case No. CI-20-</b>
	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>ANDREW T. SCHEID, individually and d/b/a</b>	:	
<b>ANDREW T. SCHEID FUNERAL HOME</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

**COMPLAINT**

**AND NOW**, comes the Commonwealth of Pennsylvania, by Attorney General Josh Shapiro, Office of Attorney General (“Commonwealth” and/or “Plaintiff”), which brings this action on behalf of the Commonwealth pursuant to the provisions of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1 – 201-9.2 (“Consumer Protection Law”), to restrain by permanent injunction unfair methods of competition or unfair or deceptive acts or practices in the conduct of any trade or commerce, declared unlawful by the Consumer Protection Law.

The Commonwealth believes that the public interest is served by seeking a permanent injunction from this Honorable Court to restrain the methods, acts and practices of the Defendant. The Commonwealth believes that the citizens of the Commonwealth are suffering

and will continue to suffer harm unless the acts and practices complained of herein are permanently enjoined.

The Commonwealth also seeks restitution pursuant to Section 201-4.1 of the Consumer Protection Law. Additionally, the Commonwealth seeks appropriate civil penalties pursuant to Section 201-8(b) of the Consumer Protection Law for all willful violations of said law, costs and other appropriate equitable relief as redress for violations of the Consumer Protection Law, as set forth herein.

**CI-20-05427**

In support of this action, the Commonwealth respectfully represents the following:

### **JURISDICTION & VENUE**

1. This court has original jurisdiction over this action pursuant to Section 931 of the Judicial Code, 42 Pa.C.S. § 931(a).
2. Venue is proper pursuant to Rules 1006(a)(1) of the Pennsylvania Rules of Civil Procedure.

### **THE PARTIES**

3. Plaintiff is the Commonwealth of Pennsylvania, acting by Attorney General Josh Shapiro, ("Commonwealth" or "Plaintiff") located at 15<sup>th</sup> Floor, Strawberry Square, Harrisburg, Pennsylvania 17120.
4. Defendant, Andrew T. Scheid ("Defendant" or "Scheid"), is an adult individual who resides at 121 South Prince Street, Lancaster, Lancaster County, Pennsylvania and at all times relevant hereto is the sole proprietor of and doing business as Andrew T. Scheid Funeral Home ("Funeral Home").

5. Andrew T. Scheid Funeral Home is a fictitious name that is not registered with the

Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations:  
Corporations Section (“Corporations Bureau”).

### STATEMENT OF FACTS

6. At all times relevant hereto, Scheid engaged in trade and commerce within the Commonwealth of Pennsylvania as a funeral director and funeral supervisor owning and operating a funeral establishment, as those terms are defined by Section 479.2 of the Funeral Director Law, 37 Pa. Code §§ 479.1, *et seq.* (“Funeral Director Law”).

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7. At all times relevant hereto, Scheid advertised, offered for sale, marketed, and negotiated the sale of funeral services as a funeral director and supervisor from his sole proprietor funeral homes located in Lancaster County, Pennsylvania.

8. At all relevant times hereto, the Funeral Home’s main establishment was located at 320 Blue Rock Road, Millersville, Lancaster County, Pennsylvania and a branch was located at 121 Prince Street, Lancaster, Lancaster County, Pennsylvania.

9. Upon information and belief, Scheid is using, has used, or are about to use methods, acts, or practices declared unlawful by Section 201-3 of the Consumer Protection Law including, but not limited to, the following:

- a. Engaged in gross incompetency, negligence and misconduct in the carrying on of the profession of funeral director and supervisor, including, but not limited to, the following:
  1. Failing to respond at all to and/or unreasonably long, delayed responses to consumer communications;
  2. Failing to pay third parties for work that needs to be done to honor funeral arrangements;
  3. Unable to locate ashes of deceased and failing to provide body in time for scheduled funeral;

4. Failing to and/or unreasonably delayed provision of death certificate;
  5. Failing to publish obituary;
  6. Failing to provide goods purchased as directed by the consumer or providing goods late and/or of inferior quality;
  7. Misrepresenting that insurance would cover charges and/or inaccurate billing; and
  8. Failing to provide services as contracted and in a timely manner. **CI-20-05427**
- b. Refused to release human remains until consideration, whether earned or not, had been paid;
  - c. Furnished embalming, other services or merchandise without having obtained written permission from a person authorized by law to make funeral arrangements;
  - d. Retained funds intended to pay for funeral goods and services when not providing any funeral goods and services;
  - e. Failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided;
  - f. Failed to give a Casket Price List, a General Price List, and a Statement of Funeral Goods and Services Selected;
  - g. Failed to give the family representative or agency official arranging for a funeral a written agreement form statement of funeral goods and services at the time of arrangements, which must be prior to the disposition of the deceased;
  - h. Failed to embalm, seal in a container that will not allow fumes or odors to escape, or refrigerate, human remains held twenty-hour (24) hours beyond death; and
  - i. Failed to promptly prepare and bury bodies entrusted to the Funeral Home and allowing the retention of a dead human body at the Funeral home for a total of more than ten (10) days without prior special permission from the Funeral Board.
10. The State Board of Board of Funeral Directors ("Funeral Board") issued to Scheid and the Funeral Home the following licenses which were all suspended indefinitely but for no less than three (3) years by Order of the Funeral Board dated March 23, 2020:

- a. License issued to Scheid to practice as a funeral director, number FD113388L, originally on August 21, 1995;
- b. License issued to Scheid to practice as a funeral supervisor, number FS015683, originally issued on March 26, 2013; and
- c. License issued to the Funeral Home to operate a sole proprietor funeral home in the Commonwealth of Pennsylvania, license no. FO013388L, originally issued on September 6, 1995; and
- d. License issued to the Funeral Home to operate a branch funeral home in the Commonwealth of Pennsylvania, license no. FB014562, originally issued on March 26, 2013.

11. On December 19, 2019, the Commonwealth of Pennsylvania, through the Bureau of Occupational Affairs, filed a thirty (30) count Order to Show Cause (“OSC”), *Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Andrew T. Scheid, F.D. and Andrew T. Scheid Funeral Home*, Case Nos. 16-48-08296, 16-48-13160 and 17-48-010595, alleging, *inter alia*, that Scheid and the Funeral Home violated the Funeral Director Law and the Funeral Board Regulations, 49 Pa. Code §§ 13.1, *et seq.* (“Regulations”) by engaging in gross incompetency, negligence and misconduct of the profession. A true and correct copy of the OSC is attached hereto and made a part hereof as Exhibit “A”.

12. The facts of the OSC, deemed admitted, establish that Scheid and the Funeral Home engaged in the following conduct as charged by the Commonwealth:

- a. Gross incompetency, negligence and misconduct in the carrying on of the profession in violation of Section 11(a)(5) of the Funeral Director Law, 63 P.S. § 479.11(a)(5);
- b. Failed to personally supervise the funeral service at the cemetery and to have a representative present at the interment of the deceased, in violation of Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.215 of the Regulations, 49 Pa. Code § 13.215;
- c. Refused to release human remains until consideration, whether earned or not, had been paid in violation of Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.202(15) of the Regulations, 49 Pa. Code § 13.202(15);



- d. Furnished embalming, other services or merchandise without having obtained written permission from a family member or other person authorized by law to make funeral arrangements for the deceased, nor did they obtain oral permission to embalm, followed by a confirmatory email, fax, telex, telegram, mailgram or other written confirmation in violation of Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.202(11) of the Regulations, 49 Pa. Code § 13.202(11);
  - e. Retained funds intended to pay for funeral goods and services when the funeral director and funeral entity had not provided any funeral goods and services in violation of Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.202(13) of the Regulations, 49 Pa. Code § 13.202(13);
  - f. Failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided in violation of Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.202(1) of the Regulations, 49 Pa. Code § 13.202(1);
  - g. The Funeral Home, by and through Scheid and other agents and employees, failed to comply with the regulations of the Federal Trade Commission by failing to give a Casket Price List, a General Price List, and a Statement of Funeral Goods and Services Selected in violation of Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.202(16) of the Regulations, 49 Pa. Code § 13.202(16) and 16 CFR 453.2(b)(2) and 453.2(b)(5);
  - h. The Funeral Home, by and through Scheid and other agents and employees, failed to give the family representative or agency official arranging for a funeral a written agreement form statement of funeral goods and services at the time of arrangements, which must be prior to the disposition of the deceased Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.204(a) of the Regulations, 49 Pa. Code § 13.204(a); and
  - i. Failed to embalm, seal in a container that will not allow fumes or odors to escape, or refrigerate, human remains held twenty-hour (24) hours beyond death Section 11(a)(6) of the Funeral Director Law, 63 P.S. § 479.11(a)(6) in that he violated Section 13.201(6)(i) of the Regulations, 49 Pa. Code § 13.201(6)(i).
13. Scheid failed to answer the OSC denying or raising any affirmative defense to the facts and violations of law set forth therein.
14. On January 16, 2020, the Commonwealth filed a Petition for Immediate Temporary Suspension against the licenses of Scheid and the Funeral Home, *Commonwealth of*

*Pennsylvania, Bureau of Professional and Occupational Affairs v. Andrew T. Scheid*, F.D. 0219

*Andrew T. Scheid Funeral Home*, Case Nos. 20-48-000264 and 20-48-000702, which the Board granted that same day. A true and correct copy of the Petition for Immediate Temporary Suspension is attached hereto and made a part hereof as Exhibit "B".

15. In addition to the unlawful conduct deemed admitted in the OSC, the investigators of the Funeral Board conducted a physical inspection of the Funeral Home on January 14, 2020 wherein the remains of four (4) deceased individuals were discovered being held as much as seventeen (17) days without embalming, not in a sealed container and significantly decomposed violating the following provisions of the Regulations:

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- a. Failing to hold human remains twenty-four (24) hours beyond death without embaying or sealing in a container that will not allow fumes or odors to escape or kept under refrigeration, , in violation of Section 13.201(6)(i) of the Regulations, 49 Pa. Code § 13.201(6)(i); and
- b. Failing to promptly prepare and bury bodies which are entrusted to the Funeral home for that purpose and allowing the retention of a dead human body at the Funeral home for a total of more than ten (10) days without first obtaining special permission from the Funeral Board, in violation of Section 13.184 of the Regulations, 49 Pa. Code §13.184.

16. On February 14, 2020, Scheid and the Funeral Home agreed to cancel a hearing on the issue of the temporary suspension and agreed to the indefinite suspension of their licenses.

17. While Scheid, on information and belief, is not currently operating the Funeral Home, Scheid may be permitted by the Funeral Board continue to operate and conduct business in the Commonwealth after the three (3) years suspension expires.

18. The Commonwealth has received numerous consumer complaints regarding Scheid's business practices, some of which were filed by or on behalf of citizens that are age sixty (60) years or over. The following is a sample of the allegations in the complaints submitted to the Commonwealth by consumers:

- a. A Lancaster County consumer alleged that the Funeral Home picked up her deceased father from Lancaster General Hospital without her permission in or about April of 2017. The Funeral Home then demanded payment for a transportation fee before they would release the consumer's deceased body;
- b. A Lancaster County consumer's mother purchased a prepaid funeral service from Scheid on February 26, 2019 for \$5,665.00 at the Funeral Home. After the consumer's mother passed away on December 5, 2019, the consumer met with Scheid the next day to finalize the prepaid service and the appointment took four (4) hours as Scheid showed up late and then would disappear for extended periods of time. The consumer's mother's viewing and initial interment date had to be cancelled and re-scheduled because Scheid failed to show up, bring her deceased mother's body, the casket or the flowers. Scheid eventually showed up with only prayer cards and a registry book that were of terrible quality and did not order the correct flowers. Scheid was repeatedly late for appointments, would not return calls and failed to provide the death certificate in a timely fashion. Scheid was not responsive to attempts to mediate the consumer's complaint;
- c. A Lancaster County consumer, over sixty (60) years old, purchased an irrevocable trust for his mother on January 3, 2017 for \$13,297 for funeral services from Scheid. The consumer's mother passed away in April of 2019. Thereafter, the consumer met with Scheid on April 22, 2019 to make arrangements for his mother and the funeral was held on April 26, 2019. Scheid informed the consumer that the total cost would be less than the trust, \$9,345.00, and Scheid failed, after demand, to refund the \$3,952 retained in excess of the value of services provided. On information and belief, Scheid has to date not provided a refund; and
- d. A Lancaster County consumer, over sixty (60) years old, requested a refund or transfer of the \$7,420.00 prepaid funeral services paid to Scheid on or about August 1, 2018 as the Funeral Home is currently not in operation. Scheid was not responsive to attempts to mediate the consumer's complaint. Despite demand, on information and belief, the prepaid amount has not been refunded or transferred to another funeral home.

19. The Commonwealth believes and therefore avers that there may be additional consumers who have not filed complaints with the Bureau of Consumer Protection and who have been harmed due to the methods, acts and practices of Defendants which include, but are not limited to, those as alleged herein.

20. The unlawful acts and practices complained of herein were carried out pursuant to Scheid's direction and control, and Scheid directly participated in such unlawful acts and practices.

21. At all times relevant and material hereto, the unlawful methods, acts and practices complained of herein have been willfully used by Scheid.

22. Scheid has engaged in and may continue to engage in trade and commerce within the Commonwealth of Pennsylvania by advertising, selling, offering and negotiating for sale funeral services.

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23. The Commonwealth believes that the public interest is served by seeking a permanent injunction to restrain the methods, acts, and practices of Scheid as hereinafter set forth.

24. In addition, the Commonwealth requests injunctive relief, civil penalties, costs and other appropriate equitable relief for Scheid's violations of the Consumer Protection Law as specifically requested in the Prayers for Relief in the various Counts of this Complaint herein below.

**COUNT I – VIOLATIONS OF THE CONSUMER PROTECTION LAW -  
HOLDING THE FUNERAL HOME OUT AS FUNERAL HOME WHILE NOT  
COMPLYING WITH THE FUNERAL DIRECTOR LAW AND REGULATIONS**

25. The forgoing averments are incorporated as if fully set forth herein.

26. As thoroughly detailed and admitted in the Funeral Board's license revocation proceedings and through the documents and allegations in the consumer complaints received by the Commonwealth, Scheid has engaged in a pattern or practice of unfair and deceptive business practices by failing to comply with the regulatory requirements to lawfully conduct a funeral in violation of the Consumer Protection Law.

27. On information and belief, Scheid has failed to refund monies paid or otherwise provide restitution owed to customers, including, but not limited, monies paid by consumers identified in the OSC and consumers that filed complaints with the Bureau of Consumer Protection.

28. Scheid's acts and practices failed to comply with the legal requirements to lawfully operate a funeral home business, constitute "unfair methods of competition" and/or "unfair or deceptive acts or practices," as required by the following provisions of the Funeral Director Law and Regulations:

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- a. Prohibiting gross incompetency, negligence and misconduct in the carrying on of the profession, 63 P.S. § 479.11(a)(5);
- b. Requiring funeral director to personally supervise the funeral service at the cemetery and to have a representative present at the interment of the deceased. The records of the funeral director shall indicate who his representative was at the interment, 63 P.S. § 479.11(a)(6) and 49 Pa. Code § 13.215;
- c. Requiring release of human remains until consideration, whether earned or not, had been paid, 63 P.S. § 479.11(a)(6) and 49 Pa. Code § 13.202(15);
- d. Prohibiting the furnishing embalming, other services or merchandise without having obtained written permission from a family member or other person authorized by law to make funeral arrangements for the deceased, nor did they obtain oral permission to embalm, followed by a confirmatory email, fax, telex, telegram, mailgram or other written confirmation, 63 P.S. § 479.11(a)(6) and 49 Pa. Code § 13.202(11);
- e. Prohibiting retaining funds intended to pay for funeral goods and services when the funeral director and funeral entity had not provided any funeral goods and services in violation, 63 P.S. § 479.11(a)(6) and 49 Pa. Code § 13.202(13);
- f. Requiring funeral home to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided, 63 P.S. § 479.11(a)(6) and 49 Pa. Code § 13.202(1);
- g. Complying with the regulations of the Federal Trade Commission by giving a Casket Price List, a General Price List, and a Statement of Funeral Goods and Services Selected, 63 P.S. § 479.11(a)(6), 49 Pa. Code § 13.202(16) and 16 CFR 453.2(b)(2) and 453.2(b)(5);

- h. Giving the family representative or agency official arranging for a funeral a written agreement form statement of funeral goods and services at the time of arrangements, which must be prior to the disposition of the deceased, 63 P.S. § 479.11(a)(6) and 49 Pa. Code § 13.204(a);
- i. Embalming, sealing in a container that will not allow fumes or odors to escape, or refrigerating, human remains held twenty-hour (24) hours beyond death, 63 P.S. § 479.11(a)(6) and 49 Pa. Code § 13.201(6)(i); and
- j. Promptly preparing and burying bodies which are entrusted to the Funeral Home for that purpose and allowing the retention of a dead human body at the Funeral Home for a total of more than ten (10) days without first obtaining special permission from the Funeral Board, , 463 P.S. § 479.11(a)(6) and 49 Pa. Code §13.184.

63 P.S. §§ 479.11(a)(5),(6), 49 Pa. Code §§ 13.201(6)(i), 13.202(1),(11),(13),(15) and (16), 13.204(a) and 16 CFR 453.2(b)(2) and 453.2(b)(5).

29. The consumer complaints received by the Commonwealth demonstrate that Scheid engaged in a pattern or practice of gross incompetency, negligence and misconduct in the carrying on of the profession of funeral director and supervisor, including, but not limited to the following:

- a. Failing to respond at all to and/or long, unreasonably delayed responses to consumer communications;
- b. Failing to pay third parties for work that needs to be done to honor funeral arrangements;
- c. Inability to locate ashes of deceased and failing to provide body in time for scheduled funeral;
- d. Failing to provide and/or delayed provision of death certificate;
- e. Failing to publish obituary;
- f. Failing to provide goods purchased as directed by the consumer or providing goods late and/or of inferior quality;
- g. Misrepresenting that insurance would cover charges and/or inaccurate billing; and
- h. Failing to provide services as contracted and in a timely manner.

30. As such, Scheid's acts and practices constitute "unfair methods of competition" and/or "unfair or deceptive acts or practices," as prohibited by Section 201-3 of the Consumer Protection Law, as defined by Sections 201-2(4) as follows:

- (a) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services, 73 P.S. § 201-2(4)(ii);
- (b) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation or connection that he does not have, 73 P.S. § 201-2(4)(v); and
- (c) Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding, 73 P.S. § 201-2(4)(xxi).

73 P.S. §§ 201-3, 201-2(4)(ii), (v) and (xxi).

31. The Commonwealth alleges that, at all times relevant hereto, all of the methods, acts and practices described above were performed willfully by Scheid.

32. The Commonwealth believes that the public interest is served by seeking before this Court a permanent injunction to restrain the methods, acts and practices described herein, as well as seeking restitution for consumers and civil penalties for violations of the law. The Commonwealth believes that citizens of the Commonwealth are suffering and will continue to suffer harm unless the acts and practices complained of herein are permanently enjoined.

**WHEREFORE**, the Commonwealth respectfully requests that this Honorable Court issue an Order:

A. Declaring Defendant's conduct as described in the Complaint to be in violation of the Funeral Director Law, Regulations and the Consumer Protection Law;

B. Permanently enjoining Defendant, his agents, successors, assigns and employees acting directly or through any corporate device, from engaging in the aforementioned acts,

practices, methods of competition or any other practice in violation of the Funeral Director Law, Regulations and the Consumer Protection Law;

C. Permanently enjoining Defendant from operating as a Funeral Director or Funeral Home in the Commonwealth of Pennsylvania;

D. Directing Defendant to make full restitution to all consumers who have suffered losses as a result of the acts and practices alleged in this Complaint and any other acts or practices which violate the Consumer Protection Law, pursuant to Section 201-4.1 of the Consumer Protection Law, 73 P.S. § 201-4.1;

**CI-20-05427**

E. Directing Defendant to pay civil penalties in the amount of One Thousand and 00/100 Dollars (\$1,000.00) for each instance of a past or present violation of the Funeral Director Law and Consumer Protection Law, and Three Thousand and 00/100 Dollars (\$3,000.00) for each instance of a past or present violation of the Consumer Protection Law involving consumers age sixty (60) or older as victims;

F. Requiring Defendant to pay the Commonwealth for the cost of investigation and prosecution of this action;

G. Directing Defendant to disgorge and forfeit all profits derived as a result of unfair and deceptive acts and practices as set forth in this Complaint; and

H. Granting such other and further relief as the Court deems just, proper, and equitable under the circumstances.

Respectfully Submitted,

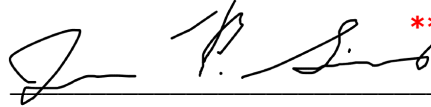
COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO  
ATTORNEY GENERAL



Date: August 13 , 2020

By:



Juan P. Sánchez  
Senior Deputy Attorney General  
PA Attorney ID #206839  
Office of Attorney General  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
Telephone: (717) 787-9707  
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Email: [jpsanchez@attorneygeneral.gov](mailto:jpsanchez@attorneygeneral.gov)

**CI-20-05427**

IN THE COURT OF COMMON PLEAS OF  
LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY

COMMONWEALTH OF PENNSYLVANIA	:	
by Attorney General Josh Shapiro	:	Case No. CI-20-
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
ANDREW T. SCHEID, individually and d/b/a	:	
ANDREW T. SCHEID FUNERAL HOME	:	
	:	
Defendant.	:	

**CI-20-05427**

VERIFICATION

I, **Heather Troutman**, being duly sworn according to law, hereby state that I am in excess of eighteen (18) years of age and that I am a Consumer Protection Agent for the Office of Attorney General, and that I am authorized to make this Verification and that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge or information and belief.

Date: 8/12/2020

By: Heather Troutman  
Heather Troutman  
Consumer Protection Agent

IN THE COURT OF COMMON PLEAS OF  
LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY

COMMONWEALTH OF PENNSYLVANIA	:	
by Attorney General Josh Shapiro	:	Case No. CI-20-
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
ANDREW T. SCHEID, individually and d/b/a	:	
ANDREW T. SCHEID FUNERAL HOME	:	
	:	
Defendant.	:	

**CI-20-05427**

**CERTIFICATE OF COMPLIANCE**

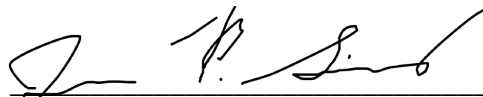
I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

**For the Petitioner:**  
COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO  
ATTORNEY GENERAL

Date: August 13, 2020

By:



Juan P. Sánchez  
Senior Deputy Attorney General  
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ENTERED AND FILED  
PROTHONOTARY'S OFFICE  
LANCASTER, PA

**\*\*\*Electronically Filed\*\*\***

**Aug 13 2020 10:16AM**

**Ricci M. Dehl**

**CI-20-05427**

**EXHIBIT A**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF FUNERAL DIRECTORS

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

Case Nos. 16-48-08296  
16-48-13160  
17-48-010595

vs.

Andrew T. Scheid, F.D. & Andrew T.  
Scheid Funeral Home  
Respondents

2019 DEC 19 10:10:11  
PROTHONOTARY  
CI-20-05427

**NOTICE**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached order to show cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of the date on the Order to Show Cause. **IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING.** To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF FUNERAL DIRECTORS

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

Case Nos. 16-48-08296  
16-48-13160  
17-48-010595

vs.

Andrew T. Scheid, F.D. & Andrew T.  
Scheid Funeral Home  
Respondents

**CI-20-05427**

**ORDER TO SHOW CAUSE**

AND NOW, this 19<sup>th</sup> day of December 2019, Andrew T. Scheid, F.D. ("Respondent Scheid") and Andrew T. Scheid Funeral Home ("Respondent Scheid FH") are hereby ORDERED TO SHOW CAUSE why the State Board of Funeral Directors ("Board"), upon consideration of the Factual Allegations and the applicable law, should not suspend, revoke or otherwise restrict Respondents' licenses, impose a civil penalty, or impose the costs of investigation. This action is brought pursuant to the Funeral Director Law, Act of January 14, 1952, P.L. (1951) 1898, ("Act"), 63 P.S. §§ 479.1-479.20, *as amended*; the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), 63 P.S. §§ 2201-2207, *as amended*; and will be conducted in accordance with the Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704, ACT 48, and the General Rules of Administrative Practice and Procedure ("GRAPP"), 1 Pa. Code §§ 31.1-35.251.

IT IS FURTHER ORDERED that Respondents file an Answer to this Order to Show Cause in writing within thirty (30) days of the date of this Order stated above, in accordance with Section 35.37 of GRAPP, 1 Pa. Code § 35.37, *as amended*.

FACTUAL ALLEGATIONS

1. Respondent Scheid holds the following license to practice as a funeral director in the Commonwealth of Pennsylvania: license no.: FD013388L.
2. Respondent Scheid's funeral director license was originally issued on August 21, 1995, is current through February 1, 2020, and absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees. **CI-20-05427**
3. At all times pertinent to the Factual Allegations, Respondent Scheid held a license to practice as a funeral director in the Commonwealth of Pennsylvania.
4. Respondent Scheid also holds the following license to practice as a funeral supervisor in the Commonwealth of Pennsylvania: license no.: FS015683.
5. Respondent Scheid's funeral supervisor license was originally issued on March 26, 2013, is current through February 1, 2020, and absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.
6. Respondent Scheid's address on file with the Board is Andrew T. Scheid Funeral Home, 320 Blue Rock Road, Millersville, PA 17551.
7. Respondent Scheid FH is Respondent Scheid's sole proprietor business.
8. Respondent Scheid FH holds the following license to operate as a sole proprietor funeral establishment in the Commonwealth of Pennsylvania: license no.: FO013388L.
9. Respondent Scheid FH's sole proprietor license was originally issued on September 6, 1995, is current through February 1, 2020, and absent further Board action, may be renewed,

reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

10. Respondent Scheid FH's main establishment is licensed at 320 Blue Rock Road, Millersville, PA 17551.

11. Respondent Scheid FH also holds the following license to operate as a branch funeral establishment in the Commonwealth of Pennsylvania: license no.: FB014562. **CI-20-05427**

12. Respondent Scheid FH's branch license was originally issued on March 26, 2013, is current through February 1, 2020, and absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

13. Respondent Scheid FH's branch establishment is licensed at 121 S. Prince Street, Lancaster, PA 17603.

14. At all times pertinent to the Factual Allegations, Respondent Scheid FH held a license to operate as a sole proprietor funeral establishment in the Commonwealth of Pennsylvania and held a license to operate as a branch funeral establishment in the Commonwealth of Pennsylvania.

15. At all times pertinent to the factual allegations, Respondent Scheid was the owner and operator of Respondent Scheid FH.

Mary Klouse

COUNT ONE

16. Paragraphs 1 through 15 are incorporated by reference.

17. On or about January 4, 2015, Mary Klouse died.



18. Ms. Klouse had previously made pre-need funeral arrangements with Respondents in 1998.

19. On or about January 5, 2015, Respondent Scheid created a new Statement of Funeral Goods and Services Selected for the funeral of Ms. Klouse.

20. The Statement of Funeral Goods and Services Selected contains the purported signature of Ms. Klouse's daughter, Vonda L. Kirchner.

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21. Respondent Scheid subscribed Ms. Kirchner's signature on this Statement of Funeral Goods and Services Selected.

22. At no time was Ms. Kirchner presented with this Statement of Funeral Goods and Services Selected by Respondent Scheid or any agent or employee of Respondent Scheid FH.

23. At no time did Respondent Scheid or any agent or employee of Respondent Scheid FH discuss any of the contents of this Statement of Funeral Goods and Services Selected with Ms. Kirchner.

24. At no time did Ms. Kirchner give Respondent Scheid or any other agent or employee of Respondent Scheid FH permission to subscribe her signature on this Statement of Funeral Goods and Services Selected.

25. At no time was Ms. Kirchner aware that Respondent Scheid was subscribing her signature on this Statement of Funeral Goods and Services Selected.

26. A true and correct copy of the Statement of Funeral Goods and Services Selected is attached as **Exhibit A** and is incorporated by reference.

27. On or about October 18, 2016, Lieutenant Kurtis Miller of the Lancaster City Police Department interviewed Respondent Scheid.

28. During the interview, Respondent Scheid admitted that he subscribed Ms. Kirchner's name on the Statement of Funeral Goods and Services Selected.

29. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

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### COUNT TWO

30. Paragraphs 1 through 29 are incorporated by reference.

31. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

J. Lester Witwer

### COUNT THREE

32. Paragraphs 1 through 31 are incorporated by reference.

33. On or about June 4, 2016, J. Lester Witwer died at Colonial Manor Nursing Home in

York, Pennsylvania.

34. J. Lester Witwer had previously made a verbal agreement with Respondent Scheid FH that Respondent Scheid FH would provide funeral goods and services for his funeral.

35. Subsequently to the death, Colonial Manor Nursing Home informed Respondent Scheid FH of the death of J. Lester Witwer, and agents of Respondent Scheid FH picked up and transported the remains of J. Lester Witwer to one of Respondent Scheid FH's facilities that day.

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36. On or about June 5, 2016, J. Lester Witwer's son, John Witwer, contacted Respondent Scheid FH by telephone and scheduled a meeting with Respondent Scheid to be held on June 6, 2016 at 6:00 p.m. at Respondent Scheid FH's Millersville facility.

37. On or about June 6, 2016, John Witwer and other family members traveled to Respondent Scheid FH's Millersville facility and arrived around 6:00 p.m.

38. John Witwer and the other family members waited at Respondent Scheid FH's Millersville facility for over an hour, but Respondent Scheid was not at the facility.

39. On or about June 6, 2016, at around 7:05 p.m., due to Respondent Scheid's failure to meet the family as agreed, John Witwer made arrangements for Charles F. Snyder Funeral Home and Crematory, Inc. to provide the funeral goods and services for the funeral of J. Lester Witwer.

40. Subsequently that day, funeral director Justin Koehler of Charles F. Snyder Funeral Home and Crematory, Inc. called Respondent Scheid FH and spoke to Joselyn Scheid, Respondent Scheid's wife.

41. During that conversation, Mrs. Scheid informed Mr. Koehler that Respondent Scheid FH would not release the remains of J. Lester Witwer unless Respondent Scheid FH received

eight hundred ninety-five dollars (\$895.00) for funeral services provided by Respondent Scheid FH.

FH.

42. On or about June 7, 2016, Mr. Koehler traveled to Respondent Scheid FH's Millersville facility and spoke to Mrs. Scheid.

43. During that conversation, Mrs. Scheid again stated that Respondent Scheid FH would not release the remains of J. Lester Witwer unless Respondent Scheid FH received eight hundred ninety-five dollars (\$895.00) for funeral services provided by Respondent Scheid FH.

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44. Eventually, Mrs. Scheid agreed to release the body to Mr. Koehler in exchange for two hundred ninety-five dollars (\$295.00) as a transportation fee.

45. On or about June 7, 2016, Mr. Koehler paid Respondent Scheid FH the two hundred ninety-five dollars (\$295.00) and took possession of the remains of J. Lester Witwer.

46. At some time during the period that Respondent Scheid FH was holding the remains of J. Lester Witwer, an agent or employee of Respondent Scheid FH embalmed the body of J. Lester Witwer.

47. At no time did John Witwer or any other family member or authorized person give any agent or employee of Respondent Scheid FH permission to embalm the body of J. Lester Witwer, either verbally or in writing.

48. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated

Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

**COUNT FOUR**

49. Paragraphs 1 through 48 are incorporated by reference.

50. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

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**COUNT FIVE**

51. Paragraphs 1 through 52 are incorporated by reference.

52. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid refused to release remains until consideration, whether earned or not, had been paid, in violation of Section 13.202(15) of the Board's Regulations, 49 Pa. Code § 13.202(15).

COUNT SIX

53. Paragraphs 1 through 52 are incorporated by reference.

54. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and through its agents and employees, refused to release remains until consideration, whether earned or not, had been paid, in violation of Section 13.202(15) of the Board's Regulations, 49 Pa. Code § 13.202(15).

CI 20-05427

COUNT SEVEN

55. Paragraphs 1 through 54 are incorporated by reference.

56. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid furnished embalming, other services or merchandise without having obtained written permission from a family member or other person authorized by law to make funeral arrangements for the deceased, or obtained oral permission to embalm, followed by a confirmatory e-mail, fax, telex, telegram, mailgram or

other written confirmation, in violation of Section 13.202(11) of the Board's Regulations, 49 Pa.

Code § 13.202(11).

**COUNT EIGHT**

57. Paragraphs 1 through 56 are incorporated by reference.

58. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, furnished embalming, other services or merchandise without having obtained written permission from a family member or other person authorized by law to make funeral arrangements for the deceased, or obtained oral permission to embalm, followed by a confirmatory e-mail, fax, telex, telegram, mailgram or other written confirmation, in violation of Section 13.202(11) of the Board's Regulations, 49 Pa. Code § 13.202(11).

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**Elizabeth Zimmerman**

**COUNT NINE**

59. Paragraphs 1 through 58 are incorporated by reference.

60. On or about December 31, 2016, Elizabeth Zimmerman died.

61. Subsequently, Ms. Zimmerman's body was cremated and Ms. Zimmerman's daughter Ellen Trythall took possession of the cremains.

62. In or around April 2017, Ms. Trythall entered into an agreement with Respondents.



63. Under the Agreement, Respondents agreed to transport Ms. Zimmerman's cremains to Waldfriedhof in Munich, Germany for two hundred ninety-five dollars (\$295.00), provide an urn for three hundred twenty dollars (\$320.00) and bury the cremains at Waldfriedhof for four hundred seventy-eight dollars (\$478.00).

64. On or about April 6, 2017, Ms. Trythall delivered Ms. Zimmerman's cremains to Respondent Scheid and paid Respondents one thousand ninety-three dollars (\$1,093.00) for the agreed upon funeral goods and services.

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65. At the time of the Agreement, Respondent Scheid agreed to take the cremains to Waldfriedhof and bury the cremains there by Easter 2017.

66. In or around late April 2017, Respondent Scheid contacted Ms. Trythall and informed her that Waldfriedhof only allows the burial of cremains twice a year, on Easter and on November 1<sup>st</sup>.

67. During the conversation, Respondent Scheid informed Ms. Trythall and he had not arrived at Waldfriedhof with the cremains by Easter 2017, and therefore he had left the cremains at a funeral home in Heidelberg, Germany.

68. During the conversation, Respondent Scheid indicated that he would have the cremains buried at Waldfriedhof in November 2017.

69. On or about September 17, 2017, Ms. Trythall sent an email to Respondent Scheid, in which she reminded him that the cremains were to be buried at Waldfriedhof on November 1, 2017.

70. On or about January 30, 2018, having received no communication from Respondent Scheid or any agent or employee of Respondent Scheid FH about her mother's cremains, Ms. Trythall sent Respondent Scheid another email regarding her mother's cremains.



71. On or about January 31, 2018, Ms. Trythall received an email from Respondent

Scheid stating that he would be contacting Ms. Trythall soon.

72. On or about February 21, 2018, having received no further communication from Respondent Scheid or any agent or employee of Respondent Scheid FH about her mother's cremains, Ms. Trythall sent Respondent Scheid another email asking if her mother's cremains had been buried at Waldfriedhof on November 1, 2017, or if not, whether the cremains would be buried at Waldfriedhof on Easter 2018.

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73. On or about February 11, 2019, Ms. Trythall, having received no communication from Respondent Scheid or any agent or employee of Respondent Scheid FH, became aware that her mother's cremains had still not been buried, and they continued to be held by the funeral home in Heidelberg.

74. On or about February 12, 2019, having received no further communication from Respondent Scheid or any agent or employee of Respondent Scheid FH about her mother's cremains, Ms. Trythall sent Respondent Scheid another email asking him to contact her about her mother's cremains.

75. On or about April 18, 2019, Ms. Trythall finally spoke to Respondent Scheid.

76. Prior to that conversation, Ms. Trythall had no contact with Respondent Scheid since January 2018, and had no substantive contact with Respondent Scheid since April 2017.

77. During that conversation, Respondent Scheid informed Ms. Trythall that Waldfriedhof would not accept her mother's cremains.

78. During that conversation, Ms. Trythall requested and Respondent Scheid agreed that Respondent Scheid would scatter the cremains in Germany in April 2019 instead of burying the cremains at Waldfriedhof.

79. On or about May 28, 2019, Ms. Trythall became aware that her mother's cremains had still not been scattered as requested, and they continued to be held by the funeral home in Heidelberg.

80. On or about May 30, 2019, Ms. Trythall made arrangements with a third party in Germany to transport her mother's cremains to Waldfriedhof and bury the cremains there.

81. On or about May 30, 2019, Ms. Trythall paid the third party in Germany **CI-20-05427** to transport her mother's cremains to Waldfriedhof and bury the cremains there.

82. On or about May 30, 2019, Ms. Trythall became aware that Respondents had never provided an urn for her mother's cremains.

83. On or about May 30, 2019, Ms. Trythall purchased an urn from the third party in Germany.

84. On or about November 1, 2019, Ms. Trythall's cremains were buried at Waldfriedhof.

85. Respondent Scheid did not transport Ms. Zimmerman's cremains to Waldfriedhof in Munich, Germany, did not provide an urn for the cremains, and did not bury the cremains in the cemetery, as agreed to.

86. Respondents have never refunded the one thousand ninety-three dollars (\$1,093.00) that Ms. Trythall paid Respondents for these funeral goods and services.

87. On or about September 23, 2019, Department of State Professional Conduct Investigator Bruce Garman called Respondent Scheid FH and spoke to employee Eileen.

88. During the telephone call on September 23, 2019, Investigator Garman requested that Respondent Scheid contact him about several matters, including the matter involving Ms. Zimmerman.

89. On or about October 10, 2019, having received no communication from Respondents, Investigator Garman called Respondent Scheid FH and spoke to Eileen again.

90. During the conversation, Investigator Garman told Eileen and he needed to interview Respondent Scheid about several matters, including the matter involving Ms. Zimmerman.

91. On or about October 16, 2019, having received no communication from Respondents, Investigator Garman sent a certified letter to Respondent Scheid at 320 Blue Rock Road, Millersville, PA 17551 requesting that Respondent Scheid contact him about several matters.

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92. The certified letter was never claimed by Respondents and was returned to Investigator Garman.

93. As of the date of this filing, Respondent Scheid has not contacted Investigator Garman about the matter involving Ms. Zimmerman.

94. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

#### COUNT TEN

95. Paragraphs 1 through 94 are incorporated by reference.

96. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b),

and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

**COUNT ELEVEN**

**CI-20-05427**

97. Paragraphs 1 through 96 are incorporated by reference.

98. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid retained funds intended to pay for funeral goods and services when the funeral director and funeral entity have not provided any funeral goods and services, in violation of Section 13.202(13) of the Board's Regulations, 49 Pa. Code § 13.202(13).

**COUNT TWELVE**

99. Paragraphs 1 through 98 are incorporated by reference.

100. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid

FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, retained funds intended to pay for funeral goods and services when the funeral director and funeral entity have not provided any funeral goods and services, in violation of Section 13.202(13) of the Board's Regulations, 49 Pa. Code § 13.202(13).

**COUNT THIRTEEN**

**CI-20-05427**

101. Paragraphs 1 through 100 are incorporated by reference.

102. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided, in violation of Section 13.201(1) of the Board's Regulations, 49 Pa. Code § 13.201(1).

**COUNT FOURTEEN**

103. Paragraphs 1 through 102 are incorporated by reference.

104. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and

through Respondent Scheid and other agents and employees, failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided, in violation of Section 13.201(1) of the Board's Regulations, 49 Pa. Code § 13.201(1).

**Elizabeth Weeks**

**COUNT FIFTEEN**

105. Paragraphs 1 through 104 are incorporated by reference.

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106. On or about August 27, 2017, Elizabeth Weeks died.

107. Ms. Weeks had previously made pre-need funeral arrangements with Respondents, which consisted of certain funeral goods and services, but did not include the actual burial or funeral service.

108. On or about August 28, 2017, Ms. Weeks' daughter Marie Prichard met with licensed funeral director ZulMarie Gonzalez, an employee of Respondent Scheid FH, and made additional funeral arrangements for Ms. Weeks' funeral.

109. At that meeting, Ms. Prichard informed Ms. Gonzalez that after services were held locally, the remains of Ms. Weeks would ultimately need to be transported to Reger's Funeral Home in Huntington, West Virginia, who would inter the remains of Ms. Weeks.

110. At that meeting, it was agreed that Respondents would provide all aspects of the funeral in Pennsylvania, including a traditional burial package for five thousand two hundred ninety-five dollars (\$5,295.00), copies of death certificates for one hundred twenty dollars (\$120.00), flowers for sixty dollars (\$60.00), and obituaries for one thousand six hundred eighty-six dollars and fifty cents (\$1,686.50), for a total cost of seven thousand one hundred sixty-one dollars and fifty cents (7,161.50).

111. At that meeting, it was discussed that the family of Ms. Weeks already had purchased the casket, outer burial container, clothing, cemetery plot, grave opening and cemetery equipment.

112. At that meeting, Ms. Gonzalez informed Ms. Prichard that the only additional items that Respondent Scheid FH would be adding to the price of the funeral would be the costs for the services provided by Reger's Funeral Homes, which would be approximately two thousand dollars (\$2,000.00), and the cost of additional flowers, which would be approximately two hundred forty dollars (\$240.00).

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113. At that meeting, Ms. Gonzalez did not indicate that there would be additional costs for the transportation of Ms. Weeks' remains to Reger's Funeral Home.

114. At that meeting, the family of Ms. Weeks informed Ms. Gonzalez that the funeral would be paid for with the proceeds from insurance policies.

115. At that meeting, Ms. Gonzalez did not indicate that there would be additional costs for the processing of the insurance policies.

116. At that meeting, Ms. Weeks' family was presented with a statement of funeral goods and services selected that outlined all of the funeral goods and services that Respondents had agreed to provide and identified the cost of those funeral goods and services.

117. A true and correct copy of the Statement of Funeral Goods and Services Selected is attached as **Exhibit B** and is incorporated by reference.

118. At no time before, during or after the meeting was Ms. Prichard provided with Respondent Scheid FH's general price list for retention.

119. Respondents received eight thousand dollars (\$8,000.00) from Ms. Weeks' insurance policies at or around the time of the meeting on August 28, 2017.



120. On or about August 30, 2017, a viewing occurred.

121. At the viewing, an employee of Respondent Scheid FH provided Ms. Prichard with a hand-written bill for the funeral.

122. The Bill stated that the total cost of the funeral was ten thousand seven hundred eighty-five dollars and twenty-one cents (\$10,781.21), which was approximately one thousand two hundred dollars (\$1,200.00) more than Ms. Gonzalez informed Ms. Prichard that it would cost.

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123. The Bill stated that the family of Ms. Weeks owed Respondents two hundred ninety-five dollars (\$295.00) for “[b]ase delivery.”

124. The two hundred ninety-five dollars (\$295.00) charge for “[b]ase delivery” was not included on the Statement of Funeral Goods and Services Selected.

125. The Bill stated that the family of Ms. Weeks owed Respondents seven hundred fifty-three dollars and seventy-five cents (\$753.75) for “[h]earse mileage.”

126. The Statement of Funeral Goods and Services Selected did not include a charge for mileage or an estimate for mileage.

127. The Bill stated that the family of Ms. Weeks owed Respondents one hundred seventy-five dollars (\$175.00) for “[p]rocessing fee [i]ns.”

128. The one hundred seventy-five dollars (\$175.00) for “[p]rocessing fee [i]ns” was not included on the Statement of Funeral Goods and Services Selected.

129. A true and correct copy of the Bill is attached as **Exhibit C** and is incorporated by reference.



130. After receiving the Bill, the family of Ms. Weeks paid Respondents the remaining balance that Respondents claimed that they were owed, in the amount of two thousand seven hundred eighty-five dollars and twenty-one cents (\$2,781.21).

131. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

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**COUNT SIXTEEN**

132. Paragraphs 1 through 131 are incorporated by reference.

133. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

**COUNT SEVENTEEN**

134. Paragraphs 1 through 133 are incorporated by reference.

135. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided, in violation of Section 13.201(1) of the Board's Regulations, 49 Pa. Code § 13.201(1).

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**COUNT EIGHTEEN**

136. Paragraphs 1 through 135 are incorporated by reference.

137. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided, in violation of Section 13.201(1) of the Board's Regulations, 49 Pa. Code § 13.201(1).

**Bernice Benn**

**COUNT NINETEEN**

138. Paragraphs 1 through 137 are incorporated by reference.

139. On or about April 15, 2018, Bernice Benn died.

140. Ms. Benn's brother Malcolm Cohen subsequently contacted Respondent Scheid

FH by telephone and spoke to Ms. Laporte.

141. During the conversation, Mr. Cohen informed Ms. Laporte that he wanted Respondent Scheid FH to provide a simple Jewish burial for Ms. Benn's funeral.

142. During the conversation, Ms. Laporte agreed that Respondent Scheid FH would provide a simple Jewish burial for Ms. Benn. **CI-20-05427**

143. During the conversation, it was agreed that the funeral would occur on April 18, 2018.

144. During the conversation, there was no discussion of the cost of the funeral.

145. At some time between April 15, 2018 and April 18, 2018, Mr. Cohen met with Ms. Laporte at one of Respondent Scheid FH's establishments.

146. During that meeting, Mr. Cohen and Ms. Laporte discussed the funeral of Ms. Benn.

147. During that meeting, there was no discussion of the cost of the funeral, and no documents were presented to Mr. Cohen.

148. On or about April 18, 2018, the funeral of Ms. Benn was held.

149. At no time prior to the funeral was Mr. Cohen presented with a General Price List.

150. At no time prior to the funeral was Mr. Cohen presented with a Casket Price List.

151. At no time prior to the funeral was Mr. Cohen presented with a Statement of Funeral Goods and Services Selected, or any other written contract containing the funeral goods and services being provided and their cost.

152. At no time prior to the funeral meeting did Mr. Cohen sign a Statement of Funeral Goods and Services Selected, or any other written contract containing the funeral goods and services being provided and their cost.

153. In or around May 2018, Mr. Cohen received a bill from Respondent Scheid FH indicating that Mr. Cohen owed Respondent Scheid FH two thousand one hundred sixty dollars and fifty-one cents (\$2,160.51).

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154. In or around June 2018, Mr. Cohen received another bill from Respondent Scheid FH indicating that Mr. Cohen owed Respondent Scheid FH two thousand one hundred sixty dollars and fifty-one cents (\$2,160.51).

155. True and correct copies of the bills are attached collectively as **Exhibit D** and are incorporated by reference.

156. Mr. Cohen attempted to contact Respondent Scheid by telephone on multiple occasions to discuss the funeral bill, and left multiple messages with employees of Respondent Scheid FH, but Respondent Scheid never contacted Mr. Cohen.

157. On or about January 23, 2019, Respondent Scheid provided Department of State Professional Conduct Investigator Lester Link with a Statement of Funeral Goods and Services Selected for the funeral of Ms. Benn.

158. The Statement of Funeral Goods and Services Selected was signed by Respondent Scheid.

159. The Statement of Funeral Goods and Services Selected contained the purported signature of Mr. Cohen.

160. A true and correct copy of the Statement of Funeral Goods and Services Selected is attached as **Exhibit E** and is incorporated by reference.

161. Mr. Cohen was never presented with this Statement of Funeral Goods and Services Selected by Respondent Scheid or any agent or employee of Respondent Scheid FH.

162. Mr. Cohen did not subscribe his signature on this Statement of Funeral Goods and Services Selected.

163. Either Respondent Scheid or some other agent or employee of Respondent Scheid FH subscribed Mr. Cohen's signature on the Statement of Funeral Goods and Services Selected without the consent of Mr. Cohen.

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164. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

**COUNT TWENTY**

165. Paragraphs 1 through 164 are incorporated by reference.

166. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid FH,

by and through Respondent Scheid and other agents and employees, engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

**COUNT TWENTY-ONE**

167. Paragraphs 1 through 166 are incorporated by reference.

168. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(6) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, failed to failed to comply with the regulations of the Federal Trade Commission in violation of Section 13.202(16) of the Board's Regulations, 49 Pa. Code § 13.202(16), by failing to give a customer a Casket Price List in violation of 16 CFR 453.2(b)(2), by failing to give a customer a General Price List in violation of 16 CFR 453.2(b)(4), and by failing to give a customer a Statement of Funeral Goods and Services Selected in violation of 16 CFR 453.2(b)(5).

**COUNT TWENTY-TWO**

169. Paragraphs 1 through 168 are incorporated by reference.

170. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid

FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, failed to give the family representative or agency official arranging for a funeral a written agreement form statement of funeral goods and services at the time of arrangements which must be prior to the disposition of the deceased, in violation of Section 13.204(a) of the Board's Regulations, 49 Pa. Code § 13.204(a).

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**Elwood Reese**

**COUNT TWENTY-THREE**

171. Paragraphs 1 through 170 are incorporated by reference.

172. On or about July 7, 2019, at 6:48 p.m., Elwood Reese died at Lancashire Hall Nursing Home.

173. At the time of death, the family of Mr. Reese informed Lancashire Hall Nursing Home that the funeral would be provided by Melanie B. Scheid Funeral Home and Cremation Services.

174. On or about July 7, 2019, after Mr. Reese's death, Lancashire Hall Nursing Home released the remains of Mr. Reese to Respondent Scheid FH by mistake.

175. On or about July 10, 2019, at 1:00 p.m., funeral director James Porterfield of Melanie B. Scheid Funeral Home and Cremation Services picked up the remains of Mr. Reese at Respondent Scheid FH's branch establishment.

176. Respondent Scheid FH held Mr. Reese's remains at Respondent Scheid FH's branch establishment from July 7, 2019 to July 10, 2019, at 1:00 p.m.



177. During the period when Respondent Scheid FH held the remains of Mr. Reese at its branch establishment, the remains of Mr. Reese were not embalmed, were not refrigerated, and were not kept in a sealed container.

178. During the period when Respondent Scheid FH held the remains of Mr. Reese at its branch establishment, the remains of Mr. Reese were kept in a room with no air conditioning.

179. When Mr. Porterfield picked up the remains of Mr. Reese from Respondent Scheid FH's branch establishment, the remains of Mr. Reese had significantly decomposed. **CI-20-05427**

180. On or about September 5, 2019, Investigator Garman called Respondent Scheid FH and spoke to Eileen, an employee of Respondent Scheid FH.

181. During the telephone call on September 5, 2019, Investigator Garman requested that Respondent Scheid contact him about several matters, including the matter involving Mr. Reese.

182. On or about September 13, 2019, having received no communication from Respondents, Investigator Garman traveled to Respondent Scheid FH's establishment and spoke to an office manager.

183. During the visit on September 13, 2019, Investigator Garman requested that Respondent Scheid contact him about several matter, including the matter involving Mr. Reese and provide documentation.

184. On or about September 23, 2019, having received no communication from Respondents, Investigator Garman called Respondent Scheid FH and spoke to Eileen again.

185. During the telephone call on September 23, 2019, Investigator Garman requested that Respondent Scheid contact him about several matters, including the matter involving Mr. Reese.



186. On or about October 10, 2019, having received no communication from

Respondents, Investigator Garman called Respondent Scheid FH and spoke to Eileen again.

187. During the conversation, Investigator Garman told Eileen and he needed to interview Respondent Scheid about several matters, including the matter involving Mr. Reese.

188. On or about October 16, 2019, having received no communication from

Respondents, Investigator Garman sent a certified letter to Respondent Scheid at 320 Birchwood

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Road, Millersville, PA 17551 requesting that Respondent Scheid contact him about several matters.

189. The certified letter was never claimed by Respondents and was returned to Investigator Garman.

190. As of the date of this filing, Respondent Scheid has not contacted Investigator Garman about the matter involving Mr. Reese.

191. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

#### **COUNT TWENTY-FOUR**

192. Paragraphs 1 through 191 are incorporated by reference.

193. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act,

63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, engaged in gross incompetency, negligence and misconduct in the carrying on of the profession. **CI-20-05427**

**COUNT TWENTY-FIVE**

194. Paragraphs 1 through 193 are incorporated by reference.

195. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid failed to embalm, seal in a container that will not allow fumes or odors to escape, or refrigerate, human remains held twenty-four (24) hours beyond death, in violation of Section 13.201(6)(i) of the Board's Regulations, 49 Pa. Code § 13.201(6)(i).

**COUNT TWENTY-SIX**

196. Paragraphs 1 through 195 are incorporated by reference.

197. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of

investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid

FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and

through Respondent Scheid and other agents and employees, failed to embalm, seal in a

container that will not allow fumes or odors to escape, or refrigerate, human remains held

twenty-four (24) hours beyond death, in violation of Section 13.201(6)(i) of the Board's

Regulations, 49 Pa. Code § 13.201(6)(i).

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**Florence Alexander**

**COUNT TWENTY-SEVEN**

198. Paragraphs 1 through 197 are incorporated by reference.

199. On or about January 29, 2018, Florence Alexander died.

200. Ms. Alexander had previously made pre-need funeral arrangements with

Respondent Scheid FH, which consisted of a direct cremation.

201. On or about January 30, 2018, Ms. Alexander's son Thomas Alexander met with Respondent Scheid and made final arrangements for the cremation of his mother's remains.

202. During that meeting, Respondent Scheid agreed to cremate Ms. Alexander's remains and mail the cremains to Centreville Friends Cemetery in Delaware.

203. As of February 9, 2018, Respondents had cremated the remains of Ms. Alexander, and were in possession of her cremains.

204. On or about February 9, 2018, Respondent Scheid informed Mr. Alexander that his mother's cremains would be mailed to Centreville Friends Cemetery in the next few days.

205. On or about March 2, 2018, having received no communication from any agents or employees of Respondent Scheid FH about the cremains, Mr. Alexander placed a phone call to Respondent Scheid FH.

206. During that phone call, Mr. Alexander spoke to an employee of Respondent Scheid FH and requested a status on the location of his mother's cremains.

207. During that phone call, the employee informed Mr. Alexander that Respondent Scheid FH did not know where to mail Ms. Alexander's cremains.

208. During that phone call, despite the fact that Mr. Alexander had previously informed Respondent Scheid of the location of Centreville Friends Cemetery, Mr. Alexander provided the employee with the location again. **CI-20-05427**

209. On or about April 9, 2018, having received no communication from any agents or employees of Respondent Scheid FH about the cremains, Mr. Alexander traveled to Respondent Scheid FH's establishment.

210. During that visit, Mr. Alexander found that his mother's cremains were still located at Respondent Scheid FH's establishment, having never been mailed to Centreville Friends Cemetery as requested.

211. During that visit, an employee of Respondent Scheid FH informed Mr. Alexander that his mother's cremains had not been mailed to Centreville Friends Cemetery because they were busy.

212. During that visit, Mr. Alexander took possession of his mother cremains.

213. Respondents never mailed Ms. Alexander's cremains to Centreville Friends Cemetery as requested, despite possessing the cremains for over two (2) months.

**Mildred Riker**

214. On or about July 7, 2019, Mildred Riker died.

215. Mrs. Riker's husband, William Riker, had made pre-need arrangements for Mrs. Riker's funeral with Respondent Scheid FH in 2011.

216. On or about the night of July 7, 2019, Mrs. Riker's daughter Sarah Dent and other family members met with Respondent Scheid to make final arrangements.

217. During that meeting, Ms. Dent and her family informed Respondent Scheid that they wanted the obituary placed in the newspaper on July 9, 2019 and wanted a slideshow to play during the funeral service on July 11, 2019.

218. On or about July 9, 2019, Ms. Dent called Respondent Scheid FH and left a message with a receptionist requested to talk to Respondent Scheid. **CI-20-05427**

219. On or about July 10, 2019, having received no communication from any agents of employees of Respondent Scheid FH, Ms. Dent called Respondent Scheid FH and left a message with a receptionist requesting to talk to Respondent Scheid.

220. Respondents did not publish Mrs. Riker's obituary until July 10, 2019.

221. On or about July 11, 2019, a funeral service was held for Mrs. Riker's funeral at Respondent Scheid FH's establishment.

222. During the funeral service, Respondents did not show a slideshow as requested.

223. Respondent Scheid did not attend the funeral service.

224. On or about September 5, 2019, Investigator Garman called Respondent Scheid FH and spoke to Eileen, an employee of Respondent Scheid FH.

225. During the telephone call on September 5, 2019, Investigator Garman requested that Respondent Scheid contact him about several matter, including the matter involving Mrs. Riker.

226. On or about September 13, 2019, having received no communication from Respondents, Investigator Garman traveled to Respondent Scheid FH's establishment and spoke to an office manager.

227. During the visit on September 13, 2019, Investigator Garman requested that Respondent Scheid contact him about several matters, including the matter involving Mrs. Riker and provide documentation.

228. On or about September 23, 2019, having received no communication from Respondents, Investigator Garman called Respondent Scheid FH and spoke to Eileen again.

229. During the telephone call on September 23, 2019, Investigator Garman requested that Respondent Scheid contact him about several matters, including the matter involving Mrs. Riker. **CI-20-05427**

230. On or about October 10, 2019, having received no communication from Respondents, Investigator Garman called Respondent Scheid FH and spoke to Eileen again.

231. During the conversation, Investigator Garman told Eileen and he needed to interview Respondent Scheid about several matters, including the matter involving Mrs. Riker.

232. On or about October 16, 2019, having received no communication from Respondents, Investigator Garman sent a certified letter to Respondent Scheid at 320 Blue Rock Road, Millersville, PA 17551 requesting that Respondent Scheid contact him several matters.

233. The certified letter was never claimed by Respondents and was returned to Investigator Garman.

234. As of the date of this filing, Respondent Scheid has not contacted Investigator Garman about the matter involving Mrs. Riker.

**Jean Paul**

235. On or about August 5, 2019, Jean Paul died.

236. The family of Ms. Paul arranged for Respondent Scheid FH to take possession of Ms. Paul's remains and provide a cremation.

237. Agents for Respondent Scheid FH took possession of Ms. Paul's remains on

August 5, 2019.

238. On or about August 5, 2019, Kathy, an employee of Respondent Scheid FH, informed Ms. Paul's daughter Michelle Cortright by telephone that Respondent Scheid FH would send her a checklist of things that needed to be done for the funeral, and informed Ms.

Cortright that a funeral director would contact Ms. Cortright.

**CI-20-05427**

239. On or about August 7, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist.

240. On or about August 9, 2019, having still received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist.

241. On or about August 12, 2019, having still received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and spoke to a receptionist.

242. Soon after that telephone conversation, Ms. Cortright received a telephone call from Cassie, an employee of Respondent Scheid FH, who informed Ms. Cortright that a funeral director would call her that night at 8:00 p.m.

243. At or around the time of that telephone call, Ms. Cortright received the checklist by email.

244. Ms. Cortright did not receive a telephone call from a funeral director at Respondent Scheid FH at or around 8:00 p.m. that night, August 12, 2019.



245. Someone at Respondent Scheid FH called Ms. Cortright's telephone at or around 10:00 p.m. on August 12, 2019, but Ms. Cortright was already in bed.

246. On or about August 13, 2019, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist requesting a returned telephone call.

247. On or about August 14, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist requesting a returned telephone call.

CI-20-05427

248. On or about August 15, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright and another family member called Respondent Scheid FH three times and left a message with a receptionist requesting a returned telephone call each time.

249. On or about August 16, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright and another family member called Respondent Scheid FH twice and left a message with a receptionist requesting a returned telephone call both times.

250. On or about August 19, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist requesting a returned telephone call.

251. On or about August 20, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist requesting a returned telephone call.



252. On or about August 21, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist requesting a returned telephone call.

253. On or about August 26, 2019, having received no communication from any agent or employee of Respondent Scheid FH, Ms. Cortright called Respondent Scheid FH and left a message with a receptionist requesting a returned telephone call.

**CI-20-05427**

254. On or about August 28, 2019, an employee of Respondent Scheid FH contacted Ms. Cortright by telephone and left a message informing her that Ms. Paul's cremains were available for pick-up or delivery.

255. On or about August 30, 2019, Ms. Cortright received Ms. Paul's cremains by mail from Respondent Scheid FH.

256. For a period of over three (3) weeks, neither Respondent Scheid nor any agent or employee of Respondent Scheid FH contacted Ms. Cortright despite Ms. Cortright and another family member leaving fourteen (14) messages with Respondent Scheid FH requesting to be contacted.

257. From August 5, 2019 to August 30, 2019, Ms. Cortright and her family did not know anything about the location of Ms. Paul's remains or whether Ms. Paul had been cremated.

258. On or about October 10, 2019, Investigator Garman called Respondent Scheid FH and spoke to Eileen, an employee of Respondent Scheid FH.

259. During the conversation, Investigator Garman told Eileen and he needed to interview Respondent Scheid about several matters, including the matter involving Ms. Paul.

260. On or about October 16, 2019, having received no communication from Respondents, Investigator Garman sent a certified letter to Respondent Scheid at 320 Blue Rock

Road, Millersville, PA 17551 requesting that Respondent Scheid contact him about several matters.

261. The certified letter was never claimed by Respondents and was returned to Investigator Garman.

262. As of the date of this filing, Respondent Scheid has not contacted Investigator Garman about the matter involving Ms. Paul.

**CI-20-05427**

**Catherine Deisley**

263. On or about August 27, 2019, Catherine Deisley died.

264. Mrs. Deisley had previously made pre-need funeral arrangements with Respondent Scheid FH.

265. On or about August 27, 2019, at 4:30 p.m., agents or employees of Respondent Scheid FH picked up the remains of Mrs. Deisley and transported them to one of Respondent Scheid FH's establishments.

266. At or around the time that Mrs. Deisley's remains were transported to Respondent Scheid FH's establishment, Mrs. Deisley's friend Katherine Acker contacted Respondent Scheid FH and made an appointment to meet with Respondent Scheid and discuss the funeral arrangements along with Mrs. Deisley's husband, Samuel Deisley, on August 28, 2019 at 10:30 a.m.

267. On or about August 28, 2019, at 10:30 a.m., Ms. Acker and Mr. Deisley traveled to Respondent Scheid FH's establishment.

268. Ms. Acker and Mr. Deisley waited at Respondent Scheid FH's establishment for over an hour, but Respondent Scheid was not present.

269. Ultimately, Ms. Acker and Mr. Deisley decided to inform the employees of

Respondent Scheid FH that were present of the funeral goods and services they wanted for Mrs.

Deisley's funeral, and then left.

270. Between August 28, 2019 and September 16, 2019, Ms. Acker and Mr. Deisley were not contacted by Respondent Scheid or any other agents or employees of Respondent

Scheid FH regarding the funeral of Mrs. Deisley.

**CI-20-05427**

271. On or about September 16, 2019, Mr. Deisley contacted Respondent Scheid FH and left a message requesting information about the funeral of Mrs. Deisley.

272. On or about September 17, 2019, an employee of Respondent Scheid FH returned Mr. Deisley's call and arranged for the cremains of Mrs. Deisley to be returned to Mr. Deisley.

273. On or about October 10, 2019, Investigator Garman called Respondent Scheid FH and spoke to Eileen, an employee of Respondent Scheid FH.

274. During the conversation, Investigator Garman told Eileen and he needed to interview Respondent Scheid about several matters, including the matter involving Mrs. Deisley.

275. On or about October 16, 2019, having received no communication from Respondents, Investigator Garman sent a certified letter to Respondent Scheid at 320 Blue Rock Road, Millersville, PA 17551 requesting that Respondent Scheid contact him about several matters.

276. The certified letter was never claimed by Respondents and was returned to Investigator Garman.

277. As of the date of this filing, Respondent Scheid has not contacted Investigator Garman about the matter involving Mrs. Deisley.

278. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

CI-20-05427

**COUNT TWENTY-EIGHT**

279. Paragraphs 1 through 278 are incorporated by reference.

280. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's licenses under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(5) of the Act, 63 P.S. §§ 479.11(a)(5), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, engaged in gross incompetency, negligence and misconduct in the carrying on of the profession.

**COUNT TWENTY-NINE**

281. Paragraphs 1 through 280 are incorporated by reference.

282. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid's license under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation

under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided, in violation of Section 13.201(1) of the Board's Regulations, 49 Pa. Code § 13.201(1).

### COUNT THIRTY

283. Paragraphs 1 through 282 are incorporated by reference.

**CI-20-05427**

284. The costs of investigation in this matter were one thousand three hundred seventy-three dollars and eighty-four cents (\$1,373.84).

285. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent Scheid FH's license under Section 11(a) of the Act, 63 P.S. § 479.11(a); or impose a civil penalty under Section 17(b) of the Act, 63 P.S. § 479.17(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent Scheid FH violated Sections 11(a)(6), 63 P.S. §§ 479.11(a)(6), in that Respondent Scheid FH, by and through Respondent Scheid and other agents and employees, failed to provide full and factual representation concerning aspects of the services rendered or the funeral furnishings provided, in violation of Section 13.201(1) of the Board's Regulations, 49 Pa. Code § 13.201(1).

### PENALTIES

If the Board finds that the Factual Allegations are true and correct, and determines that it has the authority to suspend or revoke the Respondents' licenses, the Board may, in its discretion, impose one or more of the following penalties:

- The revocation, suspension or other restriction of any licenses, certifications, registrations, permits or other authorizations to practice a profession held by

Respondents in the Commonwealth of Pennsylvania, or the imposition of any other disciplinary or corrective action that the Act authorizes the Board to impose.

- The imposition of a civil penalty of up to ten thousand dollars (\$10,000.00) for each and every violation of the Act. Where criminal proceedings are a basis for a violation of the Act, each count for which the Respondent was convicted may be considered a separate violation of the Act.
- The imposition, as part of any disciplinary sanction, of the costs of investigation underlying that disciplinary action, in the amount of one thousand three hundred seventy-three dollars and eighty-four cents (\$1,373.84).

CT-20-05427

#### PROCEDURES

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704; ACT 48, 63 P.S. §§ 2201-2207; and the GRAPP, 1 Pa. Code §§ 31.1-35.251. **RESPONDENTS ARE HEREBY ORDERED TO FILE A WRITTEN ANSWER TO THIS ORDER TO SHOW CAUSE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS ORDER.** The Answer shall specifically admit or deny each of the Factual Allegations made herein, and shall set forth the facts and state concisely the matter of law upon which Respondents rely. If Respondents fail to file an Answer within the time allowed herein, the Factual Allegations may be deemed admitted, and the Board will issue an Order which may impose penalties as set forth above.

If Respondents desire a formal administrative hearing, at which Respondents may defend against the allegations in the Order to Show Cause or to present evidence in mitigation of any penalty which may be imposed upon Respondents or any of Respondents' licenses, certifications,

registrations, permits or other authorizations to practice a profession, a written request for

hearing must be filed within thirty (30) days of this Order. **IF RESPONDENTS FAIL TO**

**FILE A WRITTEN REQUEST FOR HEARING WITHIN THIRTY (30) DAYS OF THIS**

**ORDER, RESPONDENTS WILL BE DEEMED TO HAVE WAIVED THEIR RIGHT TO**

**A HEARING AND FINAL JUDGMENT MAY BE ENTERED WITHOUT A HEARING.**

If a hearing is scheduled, Respondents will be notified of the specific time and place of the hearing. **CI-20-05427** The hearing will be held before the Board or its duly designated Presiding Officer, in accordance with Section 35.185 of GRAPP, 1 Pa. Code § 35.185. Respondents may appear, with or without counsel, offer testimony or other evidence on his or her behalf, and confront and cross-examine the Commonwealth's witnesses.

Answers, requests for hearings, preliminary motions, protests, petitions to intervene, or any other pleading must be filed with:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105  
717-772-2686

Also, you must send a separate copy of the Answer, and any other pleadings or documents, to the prosecuting attorney named below at:

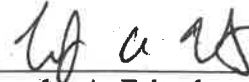
Timothy A. Fritsch  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521

Notices and petitions to intervene must be filed within thirty (30) days of the date of this

Order, unless in extraordinary circumstances for good cause shown, a later filing is authorized by

the agency.

**BY ORDER:  
DEPARTMENT OF STATE**



**CI-20-05427**

Timothy A. Fritsch  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521  
(717) 783-7200

DATE: 12/12/19



CI-20-05427

8/6/20

ORIGINAL - R.R.O.F.A.  
COPY - Church

TRIPDATE - FUNERAL HOME

STATE OF PENNSYLVANIA

PROTHONOTARY'S OFFICE

LANCASTER, PA

8/6/20

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EXHIBIT  
A

Full name of deceased  
Date of Death  
Date of Burial

1-4-15  
1-4-15

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STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

Funeral Home

Funeral Home

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**FUNERAL PURCHASE CONTRACT**  
 (Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.)  
 Section 13.204 of the Rules and Regulations of the Pennsylvania State Board of Funeral Directors requires this contract to be signed by the person or persons arranging for the funeral service and by the funeral director.

**(A) OUR SERVICE:**

**BASIC SERVICES OF FUNERAL DIRECTOR & STAFF** ..... \$ 150.00 X  
**EMBALMING** ..... \$ 150.00 X  
*If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming if you did not approve it or if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below.*

**REASON FOR EMBALMING:**

**OTHER PREPARATION OF THE BODY** ..... \$ 0.00  
**USE OF FACILITIES, STAFF & EQUIPMENT:**  
 Funeral Ceremony (Conducted at Funeral Home) ..... \$ 0.00  
 Visitation / Viewing (Conducted at Funeral Home) ..... \$ 0.00  
 Memorial Service (Conducted at Funeral Home) ..... \$ 0.00  
**USE OF STAFF AND EQUIPMENT:**  
 Funeral Ceremony (Conducted at another facility) ..... \$ 0.00  
 Visitation / Viewing (Conducted at another facility) ..... \$ 0.00  
 Memorial Service (Conducted at another facility) ..... \$ 0.00  
 Graveside Service ..... \$ 0.00

**TRANSFER OF REMAINS TO FUNERAL HOME** ..... \$ 0.00  
 (Miles Transported) 0

**AUTOMOTIVE EQUIPMENT:**  
 Casket Coach (Hearse) ..... \$ 0.00  
 Limousine ..... \$ 0.00  
 Family Car ..... \$ 0.00  
 Flower Car or Floral Disposition ..... \$ 0.00  
 Lead Car / Clergy Car ..... \$ 0.00  
**Out of Town Transportation** ..... \$ 0.00  
**MISCELLANEOUS MERCHANDISE:**  
 Acknowledgment Cards ..... \$ 0.00  
 Visitors Register ..... \$ 0.00  
 Memorial Folders / Prayer Cards ..... \$ 0.00  
 Temporary Grave Marker ..... \$ 0.00

**CASKET** 1 1999 Ford Caravan \$ 0.00  
**OUTER BURIAL CONTAINER (As Selected)** 1 WC \$ 0.00

Receptacle (other than casket) 1 Family \$ 0.00  
 Viewing Apparel 1 WC Clothing \$ 0.00  
Traditional Burial Bag \$ 0.00  
**FORWARDING OF REMAINS TO ANOTHER FUNERAL HOME** ..... \$ 0.00  
**RECEIVING OF REMAINS FROM ANOTHER FUNERAL HOME** ..... \$ 0.00  
**DIRECT CREMATION (As Selected)** ..... \$ 0.00  
**IMMEDIATE BURIAL (As Selected)** ..... \$ 0.00

Total (A) \$ 150.00

*only flowers  
 to be outstanding  
 - final cost  
 - \$240.00*

**EXHIBIT B**

No. 8/28/11  
 Date 8/28/11  
 L.J. 320 Blue Rock Road • MILLERSVILLE, PA 17551  
 (717) 872-2286 • ZULMARIE E. LAPORTE, Supervisor  
 121 S. Prince Street • LANCASTER, PA 17603  
 (717) 397-8298 • ANDREW T. SCHEID, CFSM, Supervisor  
 www.scheidfuneralhome.com

Full name of deceased Elizabeth G. Wicks  
 Date of Death 8/27/17 Deceased is Mother of person(s) 111  
 (Please Print Name) (Give Relationship)

**(B) CASH ADVANCE ITEMS:**

We charge you for our services in obtaining:  
 Certified Copies of the Death Certificate ..... \$ 150.00 X  
 Newspaper Notices - Local ..... \$ 0.00 X  
 Newspaper Notices - Out of Town ..... \$ 0.00 X  
 Opening Grave ..... \$ 0.00 X  
 Cemetery Equipment ..... \$ 0.00 X  
 Lot and Deed ..... \$ 0.00 X  
 Clergy / Mass Offering ..... \$ 0.00 X  
 Flowers ..... \$ 0.00 X  
 Organist ..... \$ 0.00 X  
 Soloist ..... \$ 0.00 X

**(C) OTHER ITEMS:**  
Funeral Home ..... \$ 920.50 X  
Funeral Home ..... \$ 700.00 X  
 Total (B) \$ 0.00  
 Total (C) \$ 1620.50

LESS: Preneed Adjustment / Allowance  INS  TR   
 Payment / Date ( )  
 Other (Specify) Total 716.50 BALANCE \$ 716.50

**LEGAL CEMETERY, CREMATORY OR OTHER REQUIREMENTS COMPELLING THE PURCHASE OF AN ABOVE:**

The undersigned purchaser(s) hereby attest to the following: (1) I/We did ( ) did not ( ) authorize above named deceased. (2) I/We were shown a Casket Price List and an Outer Burial Container Price List of caskets and outer burial containers. (3) I/We were given/offerred for selection a General Price List with a discussion of funeral arrangements and/or selection of services and merchandise. **TERMS:** This is a CASH TRANSACTION. Due in full at the time of purchase.  
**LATE PAYMENT** will be charged effective at the time of purchase % per annum for reasonable attorney's fees, court costs and other costs of collection if incurred in the collection of this debt. I, or we, having read the above, accept and approve same, and jointly and severally promise to make full payment of this debt. This promise to jointly and severally make full payment means the Funeral Home has the right to collect the entire amount from anyone without resort to any claim against any other purchaser. This right exists regardless of whether or not one or more of the purchaser(s) have each contributed to make full payment. Receipt of a copy of this contract is acknowledged.

Signature of Purchaser(s) Andrew T. Scheid  
 Signature of Purchaser(s) Elizabeth G. Wicks  
 We agree to render the services and furnish the merchandise indicated above.  
 Andrew T. Scheid Funeral Home

ENTERED AND FILED  
 PROTHONOTARY'S OFFICE

LANCASTER, PA  
 Electronically Filed  
 Aug 28 2020 10:16 AM

CI 20-05427

Final List of charges 8/13/20

X 5295.00 -

→ X 295.00 Base delivery  
- X 753.75 - House  
mileage

X 60.00 flowers PA

X 240.00 flowers WV

→ X 175.00 Processing fees

X 2139.96 F.H. fees WV

X 926.50 obit PA

X 760. obit WV

X 120.00 Docs

Hotel & trip for dal.  
remains

10,765.21

- 8000.00 Ino. Paymt  
not processed

2765.21

10785.21

- 8000.00

CI-20-05427



A N D R E W T.



*One Twenty-one*

*South Prince Street*

*Lancaster, Pennsylvania*

CI-20-05427

May 2, 2018

Malcom H. Cohen  
6434 Whisper Wood Lane  
Harrisburg, PA 17112

*To*

*Andrew T. Scheid Funeral Home - Sullivan Home*

*Funeral Expenses of*

Mrs. Bernice (Cohen) Benn, who died on April 15, 2018.

Congregation Degel Israel Fees-Grave Opening/Closing; Perpetual Care and Chevra Kadisha	\$1500.00
Rabbi Shaya Sackett Honorarium	\$300.00
Obituary-LNP 1x	\$300.51
10-Certified Copies of Death Certificate	\$60.00

\*REMAINING BALANCE DUE: \$2160.51

\*These fees were cash advanced by Andrew T. Scheid Funeral Home and are due to the Andrew T. Scheid Funeral Home.

320 BLUE ROCK ROAD | MILLERSVILLE, PA 17551  
Phone (717) 672-2200 Fax (717) 672-2227  
ZULMARIE E. LAPORTE GONZALEZ, SUPERVISOR

121 SOUTH PRINCE STREET | LANCASTER, PA 17603  
Phone (717) 397-8298 | Fax (717) 397-8243  
ANDREW T. SCHEID, CFSF, SUPERVISOR  
SCHEIDFUNERALHOME.COM

EXCLUSIVE PROVIDER OF



EXHIBIT  
D

ANDREW T.



*One twenty one*

*South Queen Street*

*Lancaster, Pennsylvania*

June 28, 2018

CI-20-05427

Malcolm H. Cohen  
6434 Whisper Wood Lane  
Harrisburg, PA 17112

*To*

*Andrew T. Scheid Funeral Home - Sullivan Home*

*Funeral Expenses of*

Mrs. Bernice C. Benn, who died on April 15, 2018.

Traditional Jewish Burial Package	\$4995.00
Casket (As Selected) AWC Pine Box	\$995.00
CASH ADVANCE ITEMS: 10 Death Certificates	\$60.00
Obituary-LNP 1x	\$300.51
CDI Fees-Grave O/C; Perp. Care & Chevra Kadisha	\$1500.00
Clergy-Honorarium for Rabbi Shaya Sackett	\$300.00
TOTAL BALANCE DUE: \$8150.51	
Payment- 4/30/2018- AFF/Jackson National Life:	\$4825.00
ATS-DISCOUNT/ALLOWANCE: \$1165.00	

320 BLUE ROCK ROAD | MILLERSVILLE, PA 17551  
phone (717) 872-2266 | fax (717) 872-5557  
ANDREW T. SCHEID, CFSF, SUPERVISOR

121 SOUTH PRINCE STREET | LANCASTER, PA 17603  
phone (717) 397-8298 | fax (717) 397-8245  
ROBERT J. DANO, SUPERVISOR

SCHIEDFUNERALHOME.COM

REMAINING BALANCE DUE UPON RECEIPT: \$2160.51



**FUNERAL PURCHASE CONTRACT**

(Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.)  
 Section 13.204 of the Pennsylvania State Board of Funeral Directors requires this contract to be signed by the person or persons arranging for the funeral service and by the funeral director.

**(A) OUR SERVICE:**

**BASIC SERVICES OF FUNERAL DIRECTOR & STAFF** \$ 5990.00  
**EMBALMING** \$ 0.00  
 If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below.  
**REASON FOR EMBALMING:**

**OTHER PREPARATION OF THE BODY (LIMITED)** \$ 0.00  
**USE OF FACILITIES, STAFF & EQUIPMENT:**  
 Funeral Ceremony (Conducted at Funeral Home) \$ 0.00  
 Visitation / Viewing (Conducted at Funeral Home) \$ 0.00  
 Memorial Services (Conducted at Funeral Home) \$ 0.00  
**USE OF STAFF AND EQUIPMENT:**  
 Funeral Ceremony (Conducted at another facility) \$ 0.00  
 Visitation / Viewing (Conducted at another facility) \$ 0.00  
 Memorial Services (Conducted at another facility) \$ 0.00  
 Graveside Service \$ 0.00

**TRANSFER OF REMAINS TO FUNERAL HOME** \$ 0.00  
 (Miles Transported)  
**AUTOMOTIVE EQUIPMENT** \$ 0.00  
 Casket Coach (Hearse) \$ 0.00  
 Limousine \$ 0.00  
 Family Car \$ 0.00  
 Flower Car or Floral Disposition \$ 0.00  
 Lead Car / Clergy Car \$ 0.00  
 Out of Town Transportation \$ 0.00

**MISCELLANEOUS MERCHANDISE:**  
 Acknowledgment Cards \$ 0.00  
 Victoria Register \$ 0.00  
 Memorial Folders / Prayer Cards \$ 0.00  
 Temporary Graves Marker \$ 0.00

**CASKET** \$ 995.00  
**OUTER BURIAL CONTAINER (As Selected)** \$ 0.00

Receipts (other than cash)  
 Wearing Apparel \$ 0.00  
 Ladies Share \$ 4995.00

**FORWARDING OF REMAINS TO ANOTHER FUNERAL HOME** \$ 0.00  
**RECEIVING OF REMAINS FROM ANOTHER FUNERAL HOME** \$ 0.00  
**DIRECT CREMATION (As Selected)** \$ 0.00  
**IMMEDIATE BURIAL (As Selected)** \$ 0.00  
**Total (A) \$ 5990.00**



**Sched. FUNERAL HOME**  
 390 Blue Rock Road MILLERSVILLE, PA 17551  
 (717) 872-2866 ZULMARIE E. LAPORTE, Supervisor  
 121 S. Pifco Street LANCASTER, PA 17603  
 (717) 397-4298 ANDREW W. SCHEID, CRSP, Supervisor  
 www.scheidfuneralhome.com

Full name of deceased: Bernice C. Bend  
 Date of Death: 4-15-2018 (Please Print Name) Age: 83  
 Decceased is: Wife of person arranging services.  
 (One Relationship)

**(B) CASH ADVANCE ITEMS:**  
 We charge you for our services in obtaining:  
 10 Certified Copies of the Death Certificate \$ 60.00  
 Newspaper Notices Local \$ 300.51  
 Newspaper Notices Out of Town \$ 1300.00  
 Opening Grave \$ 100.00  
 Crematory Equipment \$ 0.00  
 Lot and Deed \$ 0.00  
 Clergy / Mass Offering \$ 0.00  
 Flowers \$ 0.00  
 Organist \$ 0.00  
 Burial \$ 0.00  
Chelva Kadisha  
 Family Lot \$ 300.00

**(C) OTHER ITEMS:**  
 Total (B) \$ 2160.51  
 Total (A) & (B) \$ 8150.51

LESS: Preneed Adjustment / Allowance  INS  TR   
 Payment / Date ( 4-30-2018 ) JACKSON AFFAIR \$ 4825.00  
 Other (Specify) NATIONAL TEXAS \$ 1165.00  
 BALANCE \$ 2110.51

**LEGAL, CEMETERY, CREMATORY OR OTHER REQUIREMENTS COMPELLING THE PURCHASE OF ANY ITEMS LISTED ABOVE:**  
 NONE

The undersigned purchaser(s) hereby attest to the following: (1) I/We did not ( ) authorize embalming of the above named deceased. (2) I/We were shown a Casket Price List and an Outer Burial Container Price List before the above discussion of funeral arrangements and I/We were given a General Price List upon the beginning of the funeral arrangements. (3) I/We were given a Cash Transaction Receipt for the purchase of the casket and outer burial container. (4) I/We were given a Cash Transaction Receipt for the purchase of the funeral home fee. (5) I/We were given a Cash Transaction Receipt for the purchase of the funeral home fee. (6) I/We were given a Cash Transaction Receipt for the purchase of the funeral home fee. (7) I/We were given a Cash Transaction Receipt for the purchase of the funeral home fee. (8) I/We were given a Cash Transaction Receipt for the purchase of the funeral home fee. (9) I/We were given a Cash Transaction Receipt for the purchase of the funeral home fee. 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Signature of Purchaser(s): Alvina H. Cohen  
 Signature of Purchaser(s): Andrew T. Scheid  
 We agree to render the services and furnish the merchandise indicated above.  
 Andrew T. Scheid Funeral Home

Street Address: 12434 Whisper Woods  
 City and State: LANCASTER PA  
 Zip Code: 17603  
 Street Address: 12434 Whisper Woods  
 City and State: LANCASTER PA  
 Zip Code: 17603

ENTERED AND FILED  
 PROTHONOTARY'S OFFICE  
 LANCASTER, PA  
 13 2020 10:16AM  
 R. McDermott  
 01-20-05427

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF FUNERAL DIRECTORS

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

Case Nos. 16-48-08296  
16-48-13160  
17-48-010595

vs.

Andrew T. Scheid, F.D. & Andrew T.  
Scheid Funeral Home  
Respondents

**CI-20-05427**

**CERTIFICATE OF SERVICE**

I, Timothy A. Fritsch, hereby certify that I have this <sup>December</sup> 19<sup>th</sup> day of <sup>11</sup> 2019 caused a true and correct copy of the foregoing Notice and Order to Show Cause to be served upon all parties of record in this proceeding in accordance with the requirements of Section 33.31 of the GRAPP, 1 Pa. Code § 33.31 (relating to service by the agency).

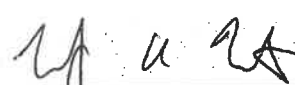
**CERTIFIED MAIL, ELECTRONIC RETURN RECEIPT AND  
FIRST CLASS MAIL, POSTAGE PREPAID:**

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
320 Blue Rock Road  
Millersville, PA 17551

9171 9690 0935 0226 6070 42

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
121 S. Prince Street  
Lancaster, PA 17603

9171 9690 0935 0226 6070 59

  
\_\_\_\_\_  
Timothy A. Fritsch  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521  
(717) 783-7200

ENTERED AND FILED  
PROTHONOTARY'S OFFICE  
LANCASTER, PA

**\*\*\*Electronically Filed\*\*\***

**Aug 13 2020 10:16AM**

**Ricci M. Dehl**

**CI-20-05427**

**EXHIBIT B**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF FUNERAL DIRECTORS

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs

vs.

Andrew T. Scheid, F.D. &  
Andrew T. Scheid Funeral Home  
Respondents

Case Nos.

20-48-000264

20-48-000702

**CI-20-05427**

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 16<sup>th</sup> day of January 2020, upon review of the Petition for

Temporary Suspension of the licenses to practice as a funeral director and funeral supervisor held by Andrew T. Scheid, F.D. (*hereinafter* "Respondent Scheid"), license numbers FD013388L and FS015683, and the licenses to practice as a sole proprietor funeral establishment and branch funeral establishment held by Andrew T. Scheid Funeral Home (*hereinafter* "Respondent Scheid FH"), license numbers FO013388L and FB014562, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Funeral Directors (*hereinafter* "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that Respondent Scheid's continued practice as a funeral director and funeral supervisor within the Commonwealth of Pennsylvania, along with the exercise of any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board, makes Respondent Scheid an immediate and clear danger to public health and safety and that Respondent Scheid FH's continued practice as a sole proprietor funeral establishment and branch funeral

establishment within the Commonwealth of Pennsylvania, along with the exercise of the authorizations to practice the profession issued by the Board, makes Respondent Scheid FH an immediate and clear danger to public health and safety. Therefore, in accordance with 63 P.S. § 2203.1, the Board **ORDERS** that the licenses to practice as a funeral director and funeral supervisor issued to Respondent Scheid, license numbers FD013388L and FS015683, along with any other authorizations to practice the profession issued by the Board to Respondent Scheid, and the licenses to practice as a sole proprietor funeral establishment and branch funeral establishment issued to Respondent Scheid FH, license numbers FO013388L and FB014562, along with any other authorizations to practice the profession issued by the Board to Respondent Scheid FH, are **TEMPORARILY SUSPENDED** upon the service of this Order. Respondents shall surrender their wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) to representatives of the Bureau of Enforcement and Investigation or the Bureau of Professional and Occupational Affairs, immediately upon service of this Order.

**CI-20-05427**

#### PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a *prima facie* case to support the temporary suspension of the Respondents' licenses and other authorizations to practice the profession issued by the Board. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

Respondents are entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a *prima facie* case is not established, Respondents' licenses and other authorizations to practice the profession issued by the Board will be immediately restored. If a *prima facie* case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

### ADDITIONAL FORMAL ACTION

**CI-20-05427**

In addition to this temporary suspension proceeding, the prosecuting attorney will commence a separate action to suspend, revoke or otherwise restrict Respondents' licenses and other authorizations to practice the profession issued by the Board through the filing of a charging document, an Order to Show Cause. The Order to Show Cause may include, but not be limited to, the facts which were alleged in the Petition for Immediate Temporary Suspension. Any Order to Show Cause filed by the prosecuting attorney will be served upon the Respondents and the Order will direct Respondents to reply to the charges in a written answer within twenty (20) days of the issuance of the Order to Show Cause. A formal hearing on that Order to Show Cause will then be scheduled and conducted by the Board or the Hearing Examiner for the Board.

### PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary, in writing, at least one (1) week prior to the date of the hearing. The requirement of the one (1) week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. **A request by Respondents for an extension of time or a continuance which will delay the preliminary hearing or the formal hearing must be**

accompanied by the agreement of Respondents that the 180-day temporary suspension will  
continue during whatever additional time is necessary to conclude the proceedings.

All proceedings are conducted in accordance with the Administrative Agency Law,  
2 Pa. C.S. §§ 501-508, 701-704; the act of July 2, 1993, P.L. 345, No. 48 ("Act 48"), as amended,  
63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure,  
1 Pa. Code §§ 31.1-35.251. A record of the hearing will be stenographically prepared by an  
official reporting service. A copy of the transcript may be secured by personally making  
arrangements with the reporting service at the time of the hearing.

CI-20-05427

Any document submitted in this matter must be filed with:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105  
717-772-2686

Also, you must send a separate copy of any documents submitted in this matter to the  
prosecuting attorney named below at:

Timothy A. Fritsch  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521

**BY ORDER:  
BEFORE THE STATE BOARD OF  
FUNERAL DIRECTORS PROBABLE  
CAUSE SCREENING PANEL**

William G. Harris  
Committee Member

WGH

APPROVE

DENY

RECUSE

Milian E. Rodriguez  
Committee Member

APPROVE

DENY

RECUSE

**CI-20-05427**

Thomas G. Kukuchka  
Committee Member

APPROVE

DENY

RECUSE

Respondents:

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
320 Blue Rock Road  
Millersville, PA 17551

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
121 S. Price Street  
Lancaster, PA 17603

For the Commonwealth:

Timothy A. Fritsch  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Bureau of Professional and Occupational Affairs  
P.O. Box 69521  
Harrisburg, PA 17106-9521

Board Counsel:

Jaime Black, Esq.

Case Numbers:

20-48-000264 & 20-48-000702

Date:

January 16, 2020

**BY ORDER:  
BEFORE THE STATE BOARD OF  
FUNERAL DIRECTORS PROBABLE  
CAUSE SCREENING PANEL**

William G. Harris  
Committee Member

APPROVE

DENY

RECUSE

Milian E. Rodriguez  
Committee Member

*M. Rodriguez*  
APPROVE

DENY

RECUSE

Thomas G. Kukuchka  
Committee Member

APPROVE

DENY

RECUSE

**CI-20-05427**

Respondents:

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
320 Blue Rock Road  
Millersville, PA 17551

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
121 S. Price Street  
Lancaster, PA 17603

For the Commonwealth:

Timothy A. Fritsch  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Bureau of Professional and Occupational Affairs  
P.O. Box 69521  
Harrisburg, PA 17106-9521

Board Counsel:

Jaime Black, Esq.

Case Numbers:

20-48-000264 & 20-48-000702

Date:

*January 16, 2020*

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF FUNERAL DIRECTORS

2020 JAN 16 PM 4:00

Department of State

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs

vs.

Andrew T. Scheid, F.D. &  
Andrew T. Scheid Funeral Home  
Respondents

Case Nos.

20-48-000264

20-48-000702

**CI-20-05427**

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Timothy A. Fritsch, petitions the State Board of Funeral Directors (*hereinafter* "Board") for the immediate temporary suspension of the licenses to practice as a funeral director and funeral supervisor issued to **Andrew T. Scheid, F.D.** (*hereinafter* "Respondent Scheid"), along with any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board to Respondent Scheid at the time this Petition is Granted, and petitions the Board for the immediate temporary suspension of the licenses to practice as a sole proprietor funeral establishment and branch funeral establishment issued to **Andrew T. Scheid Funeral Home** (*hereinafter* "Respondent Scheid FH"), along with any authorizations to practice the profession issued by the Board to Respondent Scheid FH at the time this Petition is Granted, pursuant to 63 P.S. § 2203.1, and in support thereof alleges as follows:

1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
2. Respondent Scheid holds the following license to practice as a funeral director in the Commonwealth of Pennsylvania: license no. FD013388L.

3. Respondent Scheid's funeral director license was originally issued on August 21, 1995, is current through February 1, 2020, and absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

4. At all times pertinent to the Factual Allegations, Respondent Scheid held a license to practice as a funeral director in the Commonwealth of Pennsylvania.

**CI-20-05427**

5. Respondent Scheid also holds the following license to practice as a funeral supervisor in the Commonwealth of Pennsylvania: license no. FS015683.

6. Respondent Scheid's funeral supervisor license was originally issued on March 26, 2013, is current through February 1, 2020, and absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

7. Respondent Scheid's address on file with the Board is Andrew T. Scheid Funeral Home, 320 Blue Rock Road, Millersville, PA 17551.

8. Respondent Scheid FH is Respondent Scheid's sole proprietor business.

9. Respondent Scheid FH holds the following license to operate a sole proprietor funeral establishment in the Commonwealth of Pennsylvania: license no. FO013388L.

10. Respondent Scheid FH's sole proprietor license was originally issued on September 6, 1995, is current through February 1, 2020, and absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

11. Respondent Scheid FH's main establishment is licensed at 320 Blue Rock Road, Millersville, PA 17551.



12. Respondent Scheid FH also holds the following license to operate a branch establishment in the Commonwealth of Pennsylvania: license no. FB014562.

13. Respondent Scheid FH's branch license was originally issued on March 26, 2013, is current through February 1, 2020, and absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

**CI-20-05427**

14. Respondent Scheid FH's branch establishment is licensed at 121 S. Prince Street, Lancaster, PA 17603.

15. At all times pertinent to the Factual Allegations, Respondent Scheid FH held a license to operate a sole proprietor funeral establishment in the Commonwealth of Pennsylvania and held a license to operate a branch funeral establishment in the Commonwealth of Pennsylvania.

16. At all times pertinent to the factual allegations, Respondent Scheid was the owner and operator of Respondent Scheid FH.

### COUNT ONE

17. Paragraphs 1 through 16 are incorporated by reference.

18. On or about November 26, 2019, Department of State Mortuary Inspector Pennie Geary traveled to Respondent Scheid FH's main establishment to conduct an inspection.

19. At the date and time of Inspector Geary's visit, Respondent Scheid was not present, and therefore Inspector Geary did not perform an inspection.

20. At or around the date and time of Inspector Geary's visit, an email was sent to Respondent Scheid FH's email on file with the Board.

21. The email stated that Inspector Geary had attempted to inspect Respondent Scheid FH's main establishment on November 26, 2019.

22. The email requested that Respondent Scheid FH contact Inspector Geary within ten (10) business days to discuss Respondent Scheid FH's business hours and potential times for inspections.

23. On or about December 23, 2019, Inspector Geary traveled to Respondent Scheid FH's main establishment again to conduct an inspection.

24. At the date and time of Inspector Geary's visit, Respondent Scheid was not present, and therefore Inspector Geary did not perform an inspection.

CI-20-05427

25. At or around the date and time of Inspector Geary's visit, an email was sent to Respondent Scheid FH's email on file with the Board.

26. The email stated that Inspector Geary had attempted to inspect Respondent Scheid FH's main establishment on December 23, 2019.

27. The email requested that Respondent Scheid FH contact Inspector Geary within ten (10) business days to discuss Respondent Scheid FH's business hours and potential times for inspections.

28. Subsequent to the attempted inspection on November 26, 2019, Inspector Geary also sent another email to Respondent Scheid FH's email on file with the Board, called Respondent Scheid FH and left a message, and sent a letter to Respondent Scheid FH, all of which requested that Respondent Scheid contact Inspector Geary regarding the inspection.

29. As of this date Respondents have not contacted Inspector Geary in response to the emails, phone call and letter, or the in person attempts by Inspector Geary to inspect Respondent Scheid FH's main establishment on November 26, 2019 and December 23, 2019.

30. Pursuant to Section 16(b) of the Funeral Director Law, mortuary inspectors shall have the right of entry into any place where the business or profession of funeral directing is carried

on or advertised as being carried on, for the purpose of inspection, among other things Riccio, Dehl

Code § 479.16(b).

31. On December 23, 2019, the Commonwealth filed an Order to Show Cause alleging that Respondent Scheid and Respondent Scheid FH violated the Funeral Director Law.

32. The Order to Show Cause alleged thirty (30) counts, including fourteen (14) counts of engaging in gross incompetency, negligence and misconduct in the carrying on of the profession.

CI-20-05427

33. As of the date of this filing, Respondents have not filed an answer to the Order to Show Cause denying or raising any affirmative defenses to the alleged facts and violations set forth in the Order to Show Cause.

34. On or about January 14, 2020, Lancaster County Deputy Chief Coroner Eric Beiber was contacted by the Lancaster County District Attorney's Office.

35. At the request of the Lancaster County District Attorney's Office, Mr. Beiber traveled to Respondent Scheid FH's main establishment that day.

36. At the date and time of Mr. Beiber's visit to Respondent Scheid FH's main establishment, four (4) bodies were being held in the preparation room.

37. At the date and time of Mr. Beiber's visit to Respondent Scheid FH's main establishment, the temperature in the preparation room was approximately fifty-five (55) degrees.

38. One of the four (4) bodies in the preparation room was that of a deceased individual with initials D. M. ("D. M.").

39. The remains of D. M. had been held at Respondent Scheid FH's main establishment since December 28, 2019, which was a period of seventeen (17) days.

40. One of the four (4) bodies in the preparation room was that of a deceased individual with initials K. R. ("K. R.").

with initials K. R. ("K. R.").

41. The remains of K. R. had been held at Respondent Scheid FH's main establishment since January 2, 2020, a period of twelve (12) days.

42. One of the four (4) bodies in the preparation room was that of a deceased individual with initials V. T. ("V. T.")

**CI-20-05427**

43. The remains of V. T. had been held at Respondent Scheid FH's main establishment since January 4, 2020, a period of ten (10) days.

44. One of the four (4) bodies in the preparation room was that of a deceased individual with initials C. A. ("C. A.").

45. The remains of C. A. had been held at Respondent Scheid FH's main establishment since January 10, 2020, a period of four (4) days.

46. As of the date and time of Mr. Beiber's visit to Respondent Scheid FH's main establishment, none of the remains of D. M., K. R., V. T. and C. A. had been embalmed.

47. At the time of Mr. Beiber's visit to Respondent Scheid FH's main establishment, none of the remains of D. M., K. R., V. T. and C. A. were being refrigerated.

48. At the time of Mr. Beiber's visit to Respondent Scheid FH's main establishment, none of the remains of D. M., K. R., V. T. and C. A. were being kept in a sealed container.

49. At the time of Mr. Beiber's visit to Respondent Scheid FH's main establishment, the remains of D. M., K. R., V. T. and C. A. had significantly decomposed.

50. Pursuant to Section 13.201(6)(1) of the Board's Regulations, human remains held twenty-four (24) hours beyond death shall be embalmed or sealed in a container that will not allow fumes or odors to escape or kept under refrigeration. 49 Pa. Code § 13.201(6)(i).

51. Pursuant to Section 13.184 of the Board's Regulations, a funeral director shall promptly

promptly prepare and bury bodies which are entrusted to his funeral establishment for that purpose and may not allow the retention of a dead human body at his establishment or elsewhere for a total of more than 10 days without first obtaining special permission from the Board. 49 Pa. Code § 13.184.

52. Respondents have not contacted the Board seeking to, nor have Respondents received from the Board, special permission allowing Respondent to retain the bodies of D. M. or K. R. for greater than ten (10) days.

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53. Based upon the foregoing factual allegations, Respondent Scheid's continued practice as a funeral director and funeral supervisor within the Commonwealth of Pennsylvania, along with the exercise of any other authorizations to practice the profession issued by the Board, makes Respondent Scheid an immediate and clear danger to public health and safety.

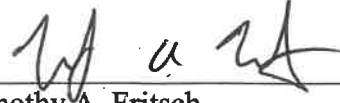
54. Based upon the foregoing factual allegations, Respondent Scheid FH's continued practice as a sole proprietor funeral establishment and branch funeral establishment within the Commonwealth of Pennsylvania, along with the exercise of any other authorizations to practice the profession issued by the Board, makes Respondent Scheid FH an immediate and clear danger to public health and safety.

**WHEREFORE,** the Petitioner respectfully requests that the Board issue an Order immediately suspending all of Respondent Scheid's authorizations to practice the profession issued by the Board, and in particular, the licenses to practice as a funeral director and funeral supervisor, license numbers FD013388L and FS015683, and respectfully requests that the Board issue an Order immediately suspending all of Respondent Scheid FH's authorizations to practice the profession issued by the Board, and in particular, the licenses to practice as a sole proprietor funeral

establishment and branch funeral establishment, license numbers FO013388L and ~~FO014502H~~

pursuant to the authority granted to it pursuant to 63 P.S. § 2203.1.

Respectfully submitted,



Timothy A. Fritsch  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521  
(717) 783-7200

CT-20-05427

Date: 1/16/20

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF FUNERAL DIRECTORS

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs

vs.

Andrew T. Scheid, F.D. &  
Andrew T. Scheid Funeral Home  
Respondents

Case Nos.

20-48-000264

20-48-000702

**CI-20-05427**

**CERTIFICATE OF SERVICE**

I, Timothy A. Fritsch, hereby certify that I have this *17<sup>th</sup>* day of *January*, 2020, caused a true and correct copy of the foregoing Petition and Order of Immediate Temporary Suspension to be served upon all parties of record in this proceeding in accordance with the requirements of Rule 33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31 (relating to service by the agency).

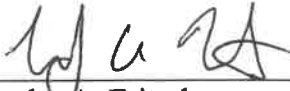
**PERSONAL SERVICE AND CERTIFIED MAIL, ELECTRONIC RETURN RECEIPT:**

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
320 Blue Rock Road  
Millersville, PA 17551

9171 9690 0935 0226 5890 03

Andrew T. Scheid, F.D.  
Andrew T. Scheid Funeral Home  
121 S. Price Street  
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\_\_\_\_\_  
Timothy A. Fritsch  
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