

#96-37

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FILED WITH THE BOARD  
OF MORTUARY SCIENCE  
ON April 29, 1997

**CERTIFIED TRUE COPY**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MORTUARY SCIENCE

\_\_\_\_\_  
IN THE MATTER OF :  
235800325760  
TIMOTHY I. MORGAN and  
BRENDAN J. FLYNN  
233800295800  
TO PRACTICE MORTUARY SCIENCE  
IN THE STATE OF NEW JERSEY  
\_\_\_\_\_

:  
: Administrative Action  
:

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: **CONSENT ORDER**  
:

This matter came to the attention of the Board upon a Complaint that Timothy I. Morgan (hereinafter "respondent Morgan"), a licensed employee of Flynn and Son Funeral Home, Inc., did cause a disinterment to be made without appropriate authorization. Brandan J. Flynn, (hereinafter "respondent Flynn") is the manager of Flynn and Son Funeral Home.

It had been alleged that respondent Morgan did cause the disinterment of a grave in violation of N.J.S.A. 8A:5-20 by failing to obtain the written consents of the owner of the grave and of the

surviving spouse and children. There is no dispute that the appropriate signatures were eventually obtained from the appropriate parties.

Respondents, desiring to resolve this matter without the necessity of formal proceedings; and making no admissions regarding the incident in question; and it appearing that respondents have read the terms of the within Order and understand its meaning and effect and consent to be bound by same; and it further appearing that the within Order adequately protects the public health, safety and welfare, and therefore, that good cause exists for the entry of the within Order.

IT IS THEREFORE, on this 29<sup>th</sup> day of April 1997,

ORDERED AND AGREED that:

1. Respondent Morgan shall pay a civil penalty in the amount of \$2,000.00, which penalty shall be paid by a certified check made payable to the State Board of Mortuary Science no later than May 6, 1997.
2. Respondent Flynn shall pay a civil penalty in the amount of \$1,000.00, which penalty shall be paid by a certified check made payable to the State Board of Mortuary Science no later than May 6, 1997.

3. Respondents shall adhere to the statutes and regulations governing the disinterment of dead bodies.

NEW JERSEY STATE BOARD OF  
MORTUARY SCIENCE

By: Donald Codey  
Donald Codey  
President

I have read the above Order  
and I understand its terms.  
I agree to be bound by this  
Order and consent to its entry  
by the State Board of Mortuary  
Science

Timothy I. Morgan  
Timothy I. Morgan

Brendon J. Flynn  
Brendon J. Flynn

Consent as to Form

Clark W. Convery  
Clark W. Convery, Esq.