

FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON August 15, 1997

CERTIFIED TRUE COPY

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSES :
AND REGISTRATIONS OF: :
PATRICIA W. RYAN :
LICENSE NO. JP03624 :
TO PRACTICE MORTUARY SCIENCE :
IN THE STATE OF NEW JERSEY :

Administrative Action

ORDER OF REVOCATION

This matter was opened to the New Jersey State Board of Mortuary Science on April 24, 1997, upon the filing of a complaint¹ by Peter Verniero, Attorney General of New Jersey, John DeCicco, Deputy Attorney General, appearing, for the suspension or revocation of the license of Patricia W. Ryan to practice mortuary science in the State of New Jersey. Said Complaint alleged that Ms. Ryan had misappropriated, misapplied and commingled \$14,755 of monies entrusted to her and belonging to three consumers who had given her the money to fund preneed funeral arrangements and prepaid funeral agreements. The Complaint alleged four counts of conversion of money to her own use in violation of N.J.S.A. 2A:102-13, N.J.S.A. 2A:102-16 and N.J.S.A. 45:7-92; four counts of fraud, deception and misrepresentation pursuant to N.J.S.A. 45:1-21(b); four counts of professional misconduct pursuant to N.J.S.A. 45:1-21(e); four counts of failure to comply with the

¹Entered in evidence as Exhibit 1.

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provisions of a Board regulation pursuant to N.J.S.A. 45:1-21(h); four counts charging incapacity to discharge the functions of a licensee in a manner consistent with public health, safety and welfare in violation of N.J.S.A.;45:1-21(i); and four counts of violations of the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.. No Answer was filed.

A committee of the Board met on July 1, 1997, to hear the matter and, after considering the evidence and hearing argument of the Deputy Attorney General, made a recommendation to the full Board at its meeting on August 5, 1997. On that date all Board members present indicated that they had read the transcript of the July 1, 1997 committee meeting. Based on the documentation entered in evidence, the Board finds that a copy of the Complaint, with a Notice of Hearing and Notice to File Answer, was served on Ms. Ryan at 374 Arnold Avenue in Perth Amboy, New Jersey, by regular mail and by certified mail which was signed for by her on May 7, 1997. By letter of May 3, 1997, Ms. Ryan returned to the Board her license to practice mortuary science and indicated that she was returning pre-need arrangement money to two of the three consumers². By letter of May 12, 1997 to 374 Arnold Avenue, Deputy Attorney General DeCicco provided discovery materials and notified Ms. Ryan that her May 3 letter did not constitute an answer to the complaint.³ He noted, however, that he inferred by the surrender of her license that she conceded the factual allegations of the complaint.

The Board further finds that on May 13, 1997, Paul C. Brush, Executive Director of the Board, wrote to Ms. Ryan at 374 Arnold Avenue stating that she was voluntarily surrendering her license, but

²Entered in evidence as Exhibit 2. Attached to the letter was proof of payment to the two consumers.

³Entered in evidence as Exhibit 3.



noting that that did not end the matter.⁴ Mr. Brush told Ms. Ryan that if she did not file an answer to the complaint the Board would have no alternative but to consider the allegations to have been admitted. He further notified her that the matter was scheduled for a public hearing before the Board on July 1, 1997 at 1 p.m., that she could be accompanied by counsel, and that if she chose not to attend the Board would proceed in her absence. Finally, he noted that she or her attorney could argue in mitigation of penalty even if she chose to concede the facts as alleged. The copy of the letter mailed by certified mail was returned as "unclaimed," but the one sent by regular mail was not returned.

The Board finds that Ms. Ryan did not file an answer and did not contact the Board. On June 5, 1997, Deputy Attorney General DeCicco filed a motion for default returnable on July 1, 1997, and had it hand-delivered with a cover letter to Ms. Ryan at 374 Arnold Avenue, again notifying Ms. Ryan that if she chose not to attend the hearing, the motion would be decided in her absence; if she chose to attend there would be a public hearing; and that even if she conceded the facts of the complaint she could argue in mitigation of penalty.⁵ In response, Ms. Ryan sent a hand-written letter to Deputy Attorney General DeCicco dated June 15, 1997, stating among other things that she would be "unable to attend" the hearing on July 1, 1997; that the loss of her license was "deeply disheartening;" and that all the pre-need monies had been repaid.⁶ The return address on the letter was 374 Arnold Avenue, Perth Amboy, New Jersey.

⁴Entered in evidence as Exhibit 4.

⁵Entered in evidence as Exhibit 10.

⁶Entered in evidence as Exhibit 11.



On July 1, 1997, Ms. Ryan did not appear for the public hearing and a committee of the Board proceeded. Deputy Attorney General DeCicco entered into evidence those items already noted herein, as well as a copy of the transcripts of investigative inquiries which Ms. Ryan had attended on March 26 and April 1, 1997,⁷ a copy of a letter from the New Jersey Prepaid Funeral Trust Fund to one of the three consumers, enclosing a check for the amount prepaid plus interest,⁸ a copy of a certified check to another of the three consumers,⁹ and a copy of a bankbook into which Ms. Ryan had deposited the third consumer's trust money after the Board's investigation began.¹⁰

The Board finds that Ms. Ryan received adequate notice of this matter, of the date on which it would be heard, and of the possible results of her failure to file an answer or to appear. Based on Ms. Ryan's default, and on the evidence before it, the Board finds that the allegations of the complaint in this matter have been proven.

The license of Patricia W. Ryan to practice mortuary science in the State of New Jersey is hereby REVOKED WITH PREJUDICE, and Ms. Ryan is enjoined from engaging in the practice of mortuary science in this State, is enjoined from being employed in a registered funeral facility, and is enjoined from having an ownership interest in any registered facility in which the practice of mortuary science is conducted. Patricia W. Ryan is hereby ordered to pay to the Board a monetary penalty of \$2,500 for each of the four counts for a total penalty of \$10,000. By service of this Order Ms. Ryan is notified

⁷Exhibits 5 and 6.

⁸Exhibit 7.

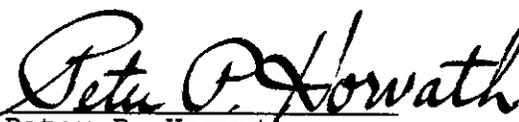
⁹Exhibit 8.

¹⁰Exhibit 9.



that the total sum is due within thirty days of such service unless Ms. Ryan contacts the Board office and makes arrangements to pay it in installments over a period of two years. Finally, the Board orders that a copy of this Order be forwarded to the Office of Consumer Protection for whatever action that Office deems appropriate.

BOARD OF MORTUARY SCIENCE

By: 
Peter P. Horvath
President *pro tem*

