

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON OCTOBER 2, 1997

By: John DeCicco
Deputy Attorney General
Division of Law
124 Halsey St., PO Box 45029
Newark, New Jersey 07101
Tel: (973) 648-2894

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

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE)
AND REGISTRATIONS OF:)
)
RUSSELL C. SHEPPARD)
LICENSE NO. JP02400)
)
RUSSELL C. SHEPPARD)
FUNERAL HOME (BRIDGETON))
REGISTRATION NO. JP01223)
)
RUSSELL C. SHEPPARD)
FUNERAL HOME (SALEM))
REGISTRATION NO. JP00801)
)
TO PRACTICE MORTUARY SCIENCE AND)
TO OPERATE REGISTERED MORTUARIES)
IN THE STATE OF NEW JERSEY)

Administrative Action
NOTICE OF MOTION AND
FOR RECONSIDERATION
AND EMERGENT RELIEF

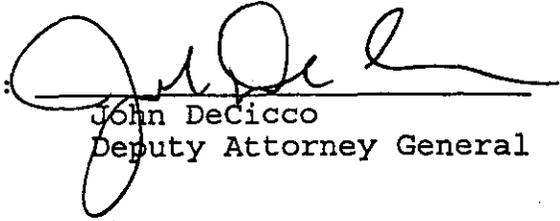
TO: Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road, Route 49
Salem, New Jersey 08079

PLEASE TAKE NOTICE that the undersigned will move for emergent relief before the State Board of Mortuary Science at 124 Halsey Street, Newark, New Jersey 07101, 6th Floor, on Tuesday, October 21, 1997, at 9:00 a.m. or as soon thereafter on that date as counsel may be heard, for reconsideration of the Board's Order of August 5, 1997 which was memorialized by a written Order on August 21, 1997. The relief sought by the undersigned's motion for

reconsideration is for the revocation with prejudice of respondent's license to practice mortuary science and for the revocation with prejudice of respondent's registrations to operate registered mortuaries in the State of New Jersey; or, in the alternative, for immediate restitution of all monies paid to respondents to fund preneed funeral arrangements and prepaid funeral agreements which, it is alleged, have been misappropriated, misapplied and commingled by respondents, 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.

In support of this motion, the undersigned will rely upon his attached certification and letter.

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: 

John DeCicco
Deputy Attorney General

Dated: October 2, 1997

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

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Administrative Action
NOTICE OF MOTION AND
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TO: Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road, Route 49
Salem, New Jersey 08079

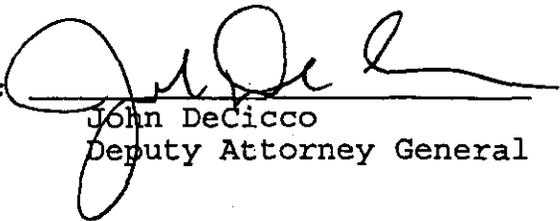
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PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: _____


John DeCicco
Deputy Attorney General

Dated: October 2, 1997

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TO PRACTICE MORTUARY SCIENCE AND)
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IN THE STATE OF NEW JERSEY)

Administrative Action

CERTIFICATION OF
JOHN DECICCO

JOHN DECICCO, of full age, being duly sworn, upon his oath,
deposes and says:

1. I am a Senior Deputy Attorney General, assigned to
prosecute matters on behalf of the New Jersey State Board of
Mortuary Science (the "Board"). In that capacity, I am responsible
for the handling of the above-captioned matter involving one
Russell C. Sheppard and the Russell C. Sheppard Funeral Homes.

2. On August 5, 1997, the Board suspended the license of
Russell C. Sheppard for a period of six (6) years, three (3) years

active and actively suspended the registrations of the Russell C. Sheppard Funeral Homes for a period of ninety (90) days from August 15, 1997. The Order of the Board was memorialized by a written decision filed with the Board on August 21, 1997. The Order further provides that during the ninety (90) days that the funeral homes are closed, respondent Sheppard shall arrange to have forwarded to the Board a list of all active preneed accounts of which the Board did not already have notice. In the event that respondent Sheppard revealed the existence of preneed contracts which he had not handled in accordance with the Board's statutes and regulations, he was permitted to restore the monies with interest to the consumers in question, and the Board would not take any disciplinary action against him based on said violations. The Order further provides that respondent Sheppard will notify all of his preneed clients by letter that the funeral homes will be closed for ninety (90) days, explaining to them their options pertaining to their preneed funds. To the knowledge of the undersigned, this letter has not been sent as of this date.

3. The Board's Order of August 5, 1997, as memorialized by its decision of August 21, 1997, was the subject of publicity in the area served by respondent's funeral homes. As a result of said publicity, the undersigned has received numerous notifications from consumers concerning monies paid to respondent which monies have not been trusted in accordance with the Board's statutes and regulations. These persons have requested refunds and have received no response. In several instances, persons have died in the interim and their families have been compelled to pay again for

the funeral services which had initially been prepaid to respondent. In other instances, persons are on Medicaid and in nursing homes.

4. In each instance referred to in the previous paragraphs, the undersigned has, in writing, either by certified and regular mail or by hand delivery, notified respondent of his obligations with regard to the consumer complaints received. Despite numerous requests of respondent to contact the Board and to make a structured arrangements for reimbursement to the consumers, no response has been received from respondent. The letters sent to date are attached hereto and made a part hereof as Appendix A.

5. The following is a list, to the date of this Certification, of prepaid funeral arrangements and prepaid funeral agreements which the undersigned has been notified have been misappropriated, misapplied and commingled with respondent's own monies rather than trusted:

A. I.M.Sr. - \$5,100 (died August 19, 1997-family awaiting reimbursement to pay for funeral).

B. W.S.F. - \$800 (died September 9, 1997-family awaiting reimbursement).

C. W.L. - \$2,500 (date unknown) (W.L. is gravely ill).

D. B.M.B. - \$850 (11/26/96).

E. R.I.B. - \$1,540 (1/26/96).

F. E.M. - \$3,950 (9/30/96).

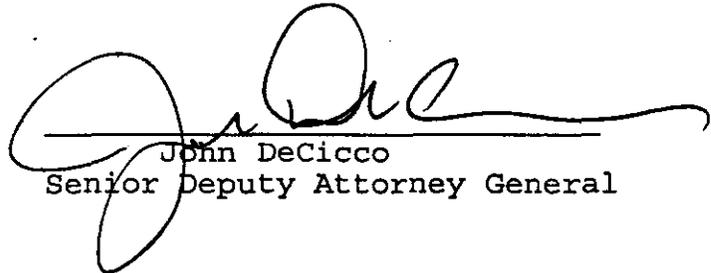
G. E.D. - \$3,480 (Husband and wife) (4/25/79).

H. C.H. - \$4,155 (11/11/96).

I. D.H. - \$4,155 (1/18/97).

J. M.G.L. - \$962 (date unknown).
K. B.F.R. - \$1,910 (6/28/94).
L. R.P.R. - \$1,910 (6/28/94).
M. A.M.T. - \$765 (4/22/91).
N. M.H. - \$1,000 (1988).
O. P.T. - \$3,475 (6/7/91).
P. E.H. - \$1,000 (1/12/88).
Q. B.H. - \$3,850 (12/11/93).
R. I.H.H. - \$4,370 (10/1/94).
S. B.M. - \$3,000 (4/15/86, 8/1/89, 4/11/90).
T. S.S. - \$3,710 (undated).
TOTAL: \$52,482 (excluding interest).

6. During the investigation of this case, respondents' preneed files were subpoenaed. Respondent testified under oath that no additional files existed in which monies had not been trusted in accordance with the law. The cases listed in the preceding paragraph are in addition to the files respondent produced in accordance with the subpoena.



John DeCicco
Senior Deputy Attorney General

Dated: October 2, 1997



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW

124 HALSEY ST., PO BOX 45029
NEWARK NEW JERSEY 07101
E-Mail: @smtp.lps.state.nj.us

Tel No. (973) 648-4742

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

JAYNEE LAVECCHIA
Assistant Attorney General
Director

August 29, 1997

Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road
Salem, NJ 08079

Re: I/M/O Russell C. Sheppard

Dear Mr. Sheppard:

As you are aware, the Board has allowed you ninety (90) days in order to ascertain the status of any preneed monies which have not been properly trusted and to return said monies to the consumers if they so desire. I have personal knowledge that two (2) such cases presently exist and require immediate attention.

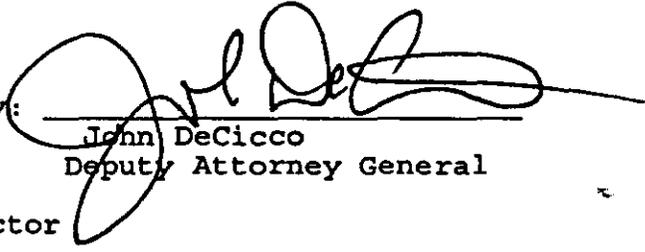
The first relates to Ismael Martinez, Sr., date of death August 19, 1997. The amount of money originally entrusted with you is alleged to be approximately \$5,100. Since the person has died, the family obviously is in need of its money.

The second instance involves one Charles Lupton and the monies set aside for the burial of his son, William. It is my understanding that William is extremely ill at the present time and, unfortunately, may not have long to live. It is also my understanding that at least \$2,500 has been set aside for Mr. Lupton's funeral.

Please ensure that these matters are handled immediately. Please forward to me proof of the appropriate disposition of these monies.

Very truly yours,

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: 
John DeCicco
Deputy Attorney General

c: Paul C. Brush, Executive Director

VIA CERTIFIED AND REGULAR MAIL

"APPENDIX A"





State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW

124 HALSEY ST., PO BOX 45029
NEWARK NEW JERSEY 07101
E-Mail: @smtp.lps.state.nj.us

Tel No. (973) 648-4742

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

JAYNEE LAVECCHIA
Assistant Attorney General
Director

September 10, 1997

Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road
Salem, New Jersey 08079

Re: I/M/O Russell C. Sheppard Funeral Home

Dear Mr. Sheppard:

This letter is in addition to my letter of August 29, 1997. As you are aware, the Board has allowed you ninety (90) days in order to ascertain the status of any preneed monies which have not been properly trusted and to return said monies to the consumers if they so desire. I have knowledge, in addition to the two (2) cases set forth in my letter of August 29, 1997, of other preneed accounts which may not have properly been trusted.

The first relates to the prearrangements for Barbara M. Benton. The amount of the monies paid to you on January 26, 1996 was \$850. Furthermore, a prearrangement was made on that same date for Robert I. Benton in the amount of \$1,540.

The next matter involves a preneed arrangement on behalf of Edith Meehan which was established on September 30, 1996. The amount of monies which were to be trusted by you is \$3,950.

The next matter involves Mr. & Mrs. Elsworth Doughty. That prearrangement was made on April 25, 1979 in the amount of \$3,480. Obviously the interest due and owing on that preneed account is considerable.

The next matter involves Charles and Dorothy Harris. The prearrangement on behalf of Charles Harris was made on November 11, 1996 in the amount of \$4,155. The prearrangement on behalf of Dorothy Harris was made on January 18, 1997, was also in the amount of \$4,155.

I am also aware that you made a preneed arrangement on behalf of Mary Gettsinger Lore in the amount of \$962. At present, I do not have all the paperwork at present, although the \$962 represents the payment for a cremation.

In addition to the two (2) matters addressed in my letter of August 29, 1997, please ensure that these matters are handled immediately. Please forward to me proof of the appropriate disposition of these monies, including notification to the consumers, as soon as possible.

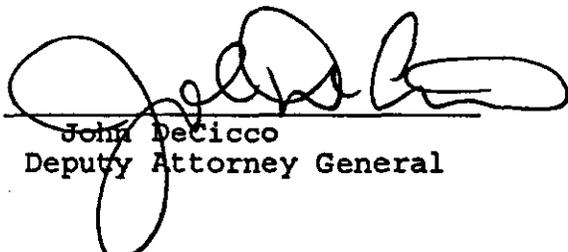
It is obvious that there are a significant number of preneed funeral trusts which were not established in accordance with law. I urge you to take advantage of the Board's ninety (90) day amnesty period by advising the Board of any other accounts which have not yet been called to its attention. The amount of monies involved in the preneeds of which the Board was unaware, may be so significant that you may be unable to make full restitution during the ninety (90) day period which the Board has provided. If this is so, you should advise the Board accordingly and arrange for a payment schedule in order to satisfy all of the outstanding preneed accounts.

In any event, you are responsible for advising the Board of all outstanding prepaid funeral arrangements of which the Board does not have knowledge in order to avail yourself of the amnesty during the ninety (90) day period. It is unfortunate that this Office and the Board is in the position of advising you of accounts of which we have become aware, rather than the converse. From the perspective of the Attorney General, this is not the procedure which was anticipated when the Board provided you with the ninety (90) day amnesty period.

I have also been made aware of news reports emanating from the local press in Bridgeton in which you have been allegedly quoted as saying that the Board's decision is under appeal. Please be advised that this Office has no notice of such an appeal. If you have procured an attorney, please advise this office as soon as possible, in order that all further contact may be made with your attorney. If there is an appeal pending, this Office will greatly appreciate receiving the Notice of Appeal as required by the Rules of Court.

Very truly yours,

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: 

John DeCicco
Deputy Attorney General

c: Paul C. Brush, Executive Director
Brenda Talbot Lewis, DAG



State of New Jersey
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CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

JAYNEE LAVECCHIA
Assistant Attorney General
Director

September 11, 1997

Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road
Salem, New Jersey 08079

Re: I/M/O Russell C. Sheppard Funeral Home

Dear Mr. Sheppard:

This is the third letter in which I must advise you that another preneed which was not trusted has come to our attention. In this most unfortunate instance, the intended funeral recipient died on September 9, 1997. His name was William S. Francis and the records indicate that preneed monies had been set aside in the amount of \$800. I have been advised by the family that they have been forced to pay out of their own pockets in order to have their father cremated. I have the documentation indicating both the establishment of the preneed agreement and the payment by the family of another practitioner. Please reimburse the family by payment to Billie Carney, the daughter of Mr. Francis as soon as possible. Again, this is a most unfortunate situation and I fear that there are more.

I once again urge you to immediately compile a list of outstanding prepaid funeral agreements in which the monies should have been trusted in order that we may have a final accounting and in order that the consumers are not left in a situation such as that experienced by the family of Mr. Francis.

Very truly yours,

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: _____

John DeCicco
Deputy Attorney General

c: Paul C. Brush, Executive Director
Brenda Talbot Lewis, DAG

CERTIFIED & REGULAR MAIL - R.R.R.





State of New Jersey

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CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

JAYNEE LAVECCHIA
Assistant Attorney General
Director

September 19, 1997

Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road, Route 49
Salem, New Jersey 08079

HAND DELIVERED

Re: I/M/O Russell C. Sheppard Funeral Home

Dear Mr. Sheppard:

This is the fourth (4th) letter in which I must advise you that yet three (3) more preneeds which were not trusted have come to my attention.

In these unfortunate instances, you prearranged the funerals for Benjamin F. Raineer and Rae P. Raineer. The prearrangements were made on June 28, 1994 and each intended funeral recipient paid \$1,910 for a total of \$3,820. I have been contacted by an attorney for the family. In another instance, you prearranged the cremation of Ms. Alice M. Thomas in the amount of \$765 on April 22, 1991. She also wants her money refunded.

As with the other matters, I once again urge you to immediately compile a list of outstanding prepaid funeral arrangements in which the monies should have been trusted in order that the Board will have a final accounting. As you are aware, the Board ordered you to prepare this list and, although it gave you ninety (90) days, the number of outstanding prepaid funeral agreements is so large that this matter should be addressed immediately.

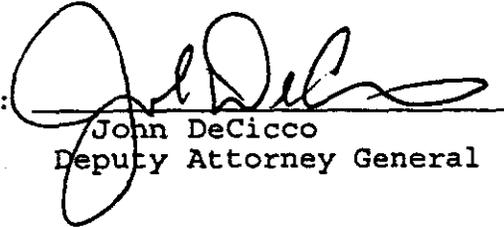
You have not returned the green certified, return receipt cards to my letters of September 10 and 11, 1997. Therefore, I am having all of the letters hand delivered to you. Obviously, your failure to accept the certified letters is resulting in an additional investigative expense which I fully intend to have applied to the cost of the prosecution of this matter.

As my letter of September 10, 1997 requests, if you have retained an attorney, please have that person immediately contact me in order that I may deal directly with him or her. If you have not retained an attorney, then please heed the advice contained in my letters.

Very truly yours,

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By:

A handwritten signature in black ink, appearing to read "John DeCicco", written over a horizontal line. The signature is stylized with large loops and a long tail.

John DeCicco
Deputy Attorney General



State of New Jersey

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CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

JAYNEE LAVECCHIA
Assistant Attorney General
Director

September 22, 1997

Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road
Salem, NJ 08079

Re: I/M/O Russell C. Sheppard Funeral Home

Dear Mr. Sheppard:

This is the fifth (5th) letter in which I must advise you that yet another preneed arrangement which has not been trusted has come to my attention.

The matter involved in this case is the funeral arrangements for one Mary Hughes. Ms. Hughes made a prearrangement with you in 1988. In 1996, Ms. Hughes made payments to you in excess of \$1,000.

As with all other preneed arrangements, this matter must be addressed prior to the expiration of the ninety (90) day period for the closure of your funeral home.

Very truly yours,

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: 
John DeCicco
Deputy Attorney General

c: Paul C. Brush, Executive Director
Brenda Talbot Lewis, DAG

VIA REGULAR AND CERTIFIED MAIL - R.R.R.



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PETER VERNIERO
Attorney General

JAYNEE LAVECCHIA
Assistant Attorney General
Director

CHRISTINE TODD WHITMAN
Governor

September 24, 1997

Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road, Route 49
Salem, New Jersey 08079

HAND DELIVERED

Re: I/M/O Russell C. Sheppard Funeral Home

Dear Mr. Sheppard:

Enclosed please find with this hand delivery, a letter from the Board of Mortuary Science setting forth the costs of the prosecution of this matter as of the date of your hearing. Obviously, by virtue of your failure to accept certified letters, the costs are increasing and ultimately will be collected. In any event, Mr. Brush's letter speaks for itself.

I am also writing to advise you of two (2) additional preneed accounts which you did not trust in accordance with law. I am also writing to provide you with an overview of the status of all of the funeral trusts which you have not established in accordance with law which have come to this office's attention since the entry of the Board's Order in this matter. In other terms, all of the names and amounts listed herein, are in addition to those cases which resulted in your three (3) year active suspension and the ninety (90) day closure of your funeral home.

The new cases involve one Mary Hughes who made a prearrangement with you in 1988 and who gave you \$1,000 to be placed in trust for her. The second new matter involves one Pearl Turner who made prearrangements on June 7, 1991 in the amount of \$3,475. The prearrangements were made by James Turner, her son, on behalf of his mother.

As of this date, the following names and amounts of money, which are listed in no particular order, represent the matters which the Attorney General and the Board have subsequently learned of since the

September 24, 1997

Page 2

date on which your license was suspended and your funeral home's registration suspended. These are:

1. Ismael Martinez, Sr. - \$5,100 (died August 19, 1997-family still awaiting money to pay for funeral).

2. Charles Lupkin on behalf of his son, William - \$2,500 (William is extremely ill and may not have long to live).

3. Barbara M. Benton - \$850.

4. Robert I. Benton - \$1,540.

5. Edith Meehan - \$3,950.

6. Mr. & Mrs. Elsworth Doughty - \$3,480.

7. Charles Harris - \$4,155.

8. Dorothy Harris - \$4,155.

9. Mary Gettsinger Lore - \$962.

10. William S. Francis - \$800 (died September 9, 1997-family is awaiting reimbursement).

11. Benjamin F. Raineer - \$1,910.

12. Rae P. Raineer - \$1,910.

13. Alice M. Thomas - \$765.

14. Mary Hughes - \$1,000.

15. Pearl Turner - \$3,475.

This represents the sixth letter which I have written to you advising you of matters which have come to our attention and which require immediate remediation. Each of the consumers in the above named cases, have made requests of you for refunds and/or for restitution in the cases where deaths have recently occurred. The amount outstanding is approximately \$36,500.

I assure you that, upon the expiration of the ninety (90) day grace period which the Board has provided to you to remediate these situations, I will vigorously prosecute any matters which are not resolved. You have obviously not heeded my advice to you in my letter of September 10, 1997 where I advised you to immediately contact the Board and to arrange for a payment schedule regarding these matters in the event that you are unable to make full restitution within the ninety (90) day period. Moreover, you should not believe that the list which I am providing to you is all inclusive for purposes of the

September 24, 1997
Page 3

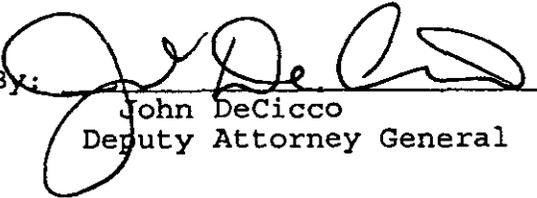
Board's ninety (90) day grace period. In other terms, any cases which you do not personally advise us of and of which we become aware subsequent to the ninety (90) day period will be vigorously pursued.

I again urge you to take immediate action. Your failure to do so, in light of the significant amounts of monies owed to consumers, may require the undersigned to take immediate action, notwithstanding the Board's ninety (90) day grace period.

Please advise. If you have retained an attorney, please have him or her contact me immediately.

Very truly yours,

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: 
John DeCicco
Deputy Attorney General

c: Brenda Talbot Lewis, DAG
Paul C. Brush, Executive Director

Enclosed please find a certified copy of the Board's decision regarding the application for a license to practice law in New Jersey.



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DEPARTMENT OF LAW AND PUBLIC SAFETY
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NEWARK NEW JERSEY 07101
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CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

Tel No. (973) 648-4742

JAYNEE LAVECCHIA
Assistant Attorney General

September 26, 1997

Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road, Route 49
Salem, NJ 08079

Re: I/M/O Russell C. Sheppard Funeral Home

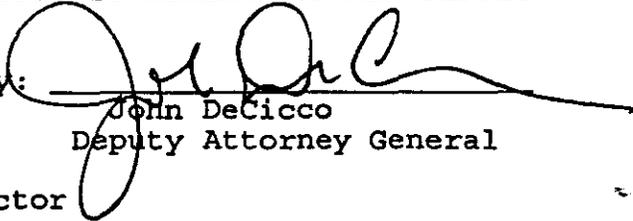
Dear Mr. Sheppard:

This letter is to advise you of an additional matter which has come to my attention regarding a preneed funeral arrangement in which the monies have not been trusted as required by law. This matter is in addition to the list of matters set forth in my hand delivered letter of September 24, 1997.

On January 12, 1988, Eleanor Hymer, paid you \$1,000 for her funeral arrangements. That money has not been trusted in accordance with law. Moreover, she assigned to you two (2) Prudential Life Insurance policies. They are policy numbers (50537673) and (662300363). Her family wishes to have the \$1,000 refunded and to have the policies reassigned to another funeral home. In the latter respect, in accordance with law, you must reassign the policies to another funeral home upon receipt of direction from the family. Ms. Hymer, is on Medicaid and the policies were irrevocably assigned. Nevertheless, in accordance with law, they may be reassigned to another funeral home. Therefore, immediately upon request of an appropriate family member, please reassign these policies to the funeral home indicated.

I am sending this to you by certified and regular mail. If the letter which has been sent regular mail is not returned to me, it will be presumed that you have received this letter.

Very truly yours,
PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: 
John DeCicco
Deputy Attorney General

c: Paul C. Brush, Executive Director
Brenda Talbot Lewis, DAG

CERTIFIED MAIL - R.R.R

**FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON OCTOBER 2, 1997**

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: John DeCicco
Deputy Attorney General
Division of Law
124 Halsey St., PO Box 45029
Newark, New Jersey 07101
Tel: (973) 648-2894

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

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE)
AND REGISTRATIONS OF:)
)
RUSSELL C. SHEPPARD)
LICENSE NO. JP02400)
)
RUSSELL C. SHEPPARD)
FUNERAL HOME (BRIDGETON))
REGISTRATION NO. JP01223)
)
RUSSELL C. SHEPPARD)
FUNERAL HOME (SALEM))
REGISTRATION NO. JP00801)
)
TO PRACTICE MORTUARY SCIENCE AND)
TO OPERATE REGISTERED MORTUARIES)
IN THE STATE OF NEW JERSEY)

Administrative Action

NOTICE OF MOTION AND
FOR RECONSIDERATION
AND EMERGENT RELIEF

TO: Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road, Route 49
Salem, New Jersey 08079

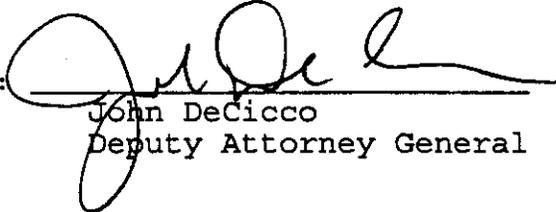
PLEASE TAKE NOTICE that the undersigned will move for emergent relief before the State Board of Mortuary Science at 124 Halsey Street, Newark, New Jersey 07101, 6th Floor, on Tuesday, October 21, 1997, at 9:00 a.m. or as soon thereafter on that date as counsel may be heard, for reconsideration of the Board's Order of August 5, 1997 which was memorialized by a written Order on August 21, 1997. The relief sought by the undersigned's motion for

reconsideration is for the revocation with prejudice of respondent's license to practice mortuary science and for the revocation with prejudice of respondent's registrations to operate registered mortuaries in the State of New Jersey; or, in the alternative, for immediate restitution of all monies paid to respondents to fund preneed funeral arrangements and prepaid funeral agreements which, it is alleged, have been misappropriated, misapplied and commingled by respondents, 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.

In support of this motion, the undersigned will rely upon his attached certification and letter.

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: _____


John DeCicco
Deputy Attorney General

Dated: October 2, 1997