

CERTIFIED TRUE COPY

**PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY**

**FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON October 21, 1997**

**By: John DeCicco
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**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 REGISTRA-)
TIONS OF:)
FUNERARIA LAS AMERICAS)
Registration Nos.)
JB00257 (Newark);)
JB00353 (Jersey City);)
JB00924 (Paterson))
TO OPERATE REGISTERED MORTUARIES)
IN THE STATE OF NEW JERSEY AND)
ELDA A. GORDILLS (Unlicensed))

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Mortuary Science (the "Board") upon the filing of a Complaint by Peter Verniero, Attorney General of New Jersey, by John DeCicco, Deputy Attorney General, alleging the unlicensed practice of mortuary science by respondent, Funeraria Las Americas at its three (3) registered locations in Newark, Jersey City and Paterson. The complaint also alleges several violations of the rules and regulations involving the handling of preneed funeral arrangements. Additional allegations alleging unauthorized practice subsequent to

the filing of the aforementioned complaint have also come to the attention of the Board and are also the subject of this Consent Order.

Respondent Funeraria Las Americas is registered by the Board to operate mortuaries at three (3) locations in Newark, Jersey City and Paterson. Respondent Funeraria Las Americas is owned by respondent Elda A. Gordills. The Complaint filed by the Attorney General alleges that Ms. Gordills and other persons acting at her direction, made numerous funeral arrangements despite the fact that said persons were not licensed to practice mortuary science by the Board, in violation of N.J.S.A. 45:7-47; 45:7-83(a)1; N.J.A.C. 13:36-4.9 and 13:36-8.9(a) and (b). The Complaint also alleges that on several occasions "deposits" were received for the purchase of preneed funeral arrangements, which monies were not immediately placed in trusted accounts as required by law. N.J.A.C. 2A:102-13. In these instances, however, the monies were not misappropriated, and each of the consumers have received the services which were the subjects of the preneed deposits.

Respondents, desiring to resolve this matter without the necessity of formal proceedings, 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 appearing that the within Order adequately protects the public health, safety and welfare, and it appearing that good cause exists for the entry of the within Order,

IT IS, THEREFORE, ON THIS 21ST DAY OF OCTOBER, 1997

ORDERED AND AGREED:

1. The registrations of Funeraria Las Americas to operate mortuaries within the State of New Jersey at its three (3) locations in Newark, Jersey City and Paterson are indefinitely suspended and said suspensions are stayed and to be served as an indefinite period of probation. Subject to the exception recited in paragraph 2 of this Order, the indefinite period of probation will be for at least five (5) years, at which time respondents may move before the Board for reconsideration. The stay of the suspensions of respondents' three (3) registrations is conditioned upon respondents' compliance with each of the terms of this Order. In the event of non-compliance, the stay of the suspensions may be vacated by the Board at which time the suspensions will become active.

2. Respondent Elda A. Gordills will immediately undertake to sell the two (2) registered mortuaries currently operating in Newark and Jersey City. Ms. Gordills will employ her best efforts to effect such a sale within the six (6) months following the entry of this Order. Until the time of their sale, said registered mortuaries will be compliant in all respects with the terms of this Order. As of the closing date for the sale of the registered mortuaries in Newark and in Jersey City, respondent Gordills will no longer have any ownership interest in either of the two (2) registered mortuaries. The probationary status of the

registrations of the Newark and Jersey City facilities will be vacated upon the Board's receipt of adequate proof of their sale.

3. Respondents will pay a civil penalty in the amount of \$50,000. Respondents will also pay the costs of investigation in the amount of \$8,010.41. The cost of investigation of \$8,010.41 will be made to the Board no later than December 1, 1997. Said payment will be made to the Executive Director of the Board in the form of a certified check made payable to the "State Board of Mortuary Science". The civil penalty of \$50,000 will be paid in six (6) monthly installments of at least \$8,334, by certified checks made payable to the "State Board of Mortuary Science". The first of such installment payments will be made no later than December 1, 1997.

4. If the sale of respondents' registered mortuaries either in Newark or Jersey City occur at any time prior to the completion of the six (6) installment payments referred to in the preceding paragraph of this Order, any balance then remaining of the civil penalties will be paid in full at the time of the closing on the sale. Respondents will advise the Board as soon as any closing date for the sale of the Newark or Jersey City registered mortuaries are established with reasonable certainty.

5. Respondents agree to cease and desist from the unlicensed practice of mortuary science at any of its registered mortuaries. Persons not licensed by the Board of Mortuary Science will not participate in any activities for which a license to practice

mortuary science is required, including the arrangement of funerals.

6. The three (3) registered mortuaries will employ a manager or managers who will be acceptable to the Board. Said manager or managers will be provided with this Order by the Board. The manager or managers of the registered mortuaries will agree to submit to the Board, on a quarterly basis, a list of each funeral arranged for that quarter. The funerals will be designated by the name of the purchaser or intended funeral recipient and, if at need, the date of death. The manager or managers will certify that no unlicensed person has had any role in the making of the funeral arrangements reported or in any other activities for which a license to practice mortuary science is required. In so certifying, the manager or managers will affirmatively acknowledge that he or she is aware that his or her license to practice mortuary science may be suspended or revoked in the event that any person other than a licensee of the Board has engaged in that quarter in any activities for which a license to practice mortuary science is required at any of respondents three (3) registered mortuaries. The reporting obligations of the manager or managers of the Newark and Jersey City facilities will cease as of the date of their sale in accordance with paragraph 2 of this Order. Otherwise, the reporting obligations of this paragraph will continue for as long as any of the three (3) registered facilities are on probation.

7. Respondents agree to adhere to all of the laws and regulations governing the making and maintenance of preneed funeral arrangements and prepaid funeral agreements.

8. Respondents acknowledge that the Enforcement Bureau of the Division of Consumer Affairs will conduct unlicensed inspections at its premises on unannounced dates and that respondents will pay the costs for said inspections.

NEW JERSEY STATE BOARD
OF MORTUARY SCIENCE

By: Donald R. Codey
Donald R. Codey
President

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

FUNERARIA LAS AMERICAS, INC.

By: Elda A. Gordills
Elda A. Gordills

Consented to as to form.

Miles Feinstein
Miles Feinstein, Esq.
Attorney for Funeraria Las Americas, Inc. and Elda Gordills