

CERTIFIED TRUE COPY

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON OCTOBER 21, 1999

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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 LICENSE OF:)
LLOYD A. WIMBERG)
LICENSE NO. JP3050)
TO PRACTICE MORTUARY SCIENCE AND)
TO OPERATE A REGISTERED MORTUARY)
IN THE STATE OF NEW JERSEY)

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 various violations of the regulations governing the practice of mortuary science.

Respondent, Lloyd A. Wimberg, ("Respondent") is a licensee of the Board and is the manager and owner of the Wimberg Funeral Home. The complaint filed by the Attorney General alleges that on various occasions Respondent failed to complete, maintain and appropriately sign the requisite "Statement of Funeral Goods and Services Selected" which is intended to memorialize the terms and prices of funeral arrangements, in violation of N.J.A.C. 13:36-1.9(f), N.J.A.C. 13:36-9.2, 9.3(b), 9.8(a) and 9.16(b)2.

The complaint also alleges that Respondent failed to maintain full and accurate records of all funerals arranged and conducted as

required by N.J.A.C. 13:36-1.8(a) and failed to retain copies of Statements of Funeral Goods and Services, in violation of N.J.A.C. 13:36-9.18 and 13:36-1.9. The Complaint also charges that Respondent failed to consecutively assign file numbers to funeral arrangements in violation of N.J.A.C. 13:36-1.8(b) and, in one instance, overcharged for cash disbursements, in violation of N.J.A.C. 13:36-9.14. Respondent voluntarily made restitution for the overcharge within five (5) days of its occurrence.

Respondent, desiring to resolve this matter without the necessity of formal proceedings, and it appearing that Respondent has read the terms of the within Order and understands its meaning and affect and consents 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. Respondent is reprimanded for his violations of the regulations referred to in the preface of this Order.

2. Respondent is placed on probation for a period of three (3) years from the date of the entry of this Order.

3. Respondent will pay a civil penalty of \$15,000 and costs in the amount of \$4,556, for a total of fines and costs of \$19,556. Respondent will pay the costs of investigation of \$4,556 within thirty (30) days of the entry of this Consent Order. Said payment will be made by a certified check payable to the State Board of

Mortuary Science. Respondent will pay the entire \$15,000 in civil penalties no later than six (6) months from the date of the entry of this Order. Said payments will be made in installments of \$2,500 each and will be made by certified check payable to the "State Board of Mortuary Science".

4. Respondent will, for the biennial registration period ending February 28, 1999, complete twenty (20) hours of continuing education, in addition to the ten (10) hours required of all Board licensees, for a total of thirty (30) hours. The additional twenty (20) hours of continuing education will, to the extent possible, include courses in the proper management of a funeral home, including the making and retention of records. Proof of said continuing education requirements will be submitted to the Executive Director of the Board no later than March 31, 1999.

5. Respondent will make, provide and maintain Statements of Funeral Goods and Services Selected as required by the statutes and regulations governing the practice of mortuary science.

6. Respondent will institute a system of record keeping which will ensure that all records required to be made and maintained are accessible and assigned file numbers consecutively at the time that funeral arrangements are made in conformity with the rules governing the practice of mortuary science.

7. Inspectors from the Division of Consumer Affairs, Enforcement Bureau, will make inspections of respondent's funeral home on at least two (2) occasions during each year of the period of probation. Such inspections will be arranged by telephone

notice and will be subject only to the requirements of Respondent performing his duties and responsibilities as a licensed practitioner of mortuary science. Respondent will allow said investigators prompt access to all records required to be maintained by regulations of the Board. Said inspections will include determinations regarding Respondent's adherence to the rules and regulations which are the subject matter of this Order. A copy of this Consent Order will be provided to the Enforcement Bureau upon its entry.

NEW JERSEY STATE BOARD
OF MORTUARY SCIENCE

By: Donald R. Codey
Donald R. Codey
President

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

Lloyd A. Wimberg
Lloyd A. Wimberg

Consented to as to form.

Daryl E. Todd, Sr., Esq.
Daryl E. Todd, Sr., Esq.
Todd & Gemmel, P.A.
Attorney for Respondent