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PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

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

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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)
OF THE LICENSE AND REGISTRATION)
OF:)
)
JORGE RIVERA FUNERAL HOME, INC.)
REGISTRATION NO. JB00910)
AND)
ROBERT LEBER)
LICENSE NO. JP3108)
)
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 receipt of information pertaining to violations of the statutes and regulations of the Board concerning the making of funeral arrangements and advertising.

Respondent Robert Leber ("respondent Leber") is a licensee of the Board and at the time of the alleged violations was the manager of the Jorge Rivera Funeral Home, Inc. Respondent Jorge Rivera Funeral Home, Inc. ("respondent Funeral Home") is a mortuary registered by the Board and is located in North Bergen, New Jersey.

An investigation conducted by the Attorney General has revealed that on various occasions, respondent Leber, as manager of respondent Funeral Home, was present during the making of funeral arrangements, although he did not actively participate in the making of same as required by N.J.A.C. 13:36-4.9 and 13:36-8.9(a) and (b). Rather, in excess of twenty-five (25) occasions, funeral arrangements were made in large part by persons not licensed by the Board to practice mortuary science. On one occasion, said funeral arrangements were made without respondent Leber being present.

The investigation further disclosed that respondent funeral home caused advertisements to appear in certain local periodicals which contain the names of persons not licensed by the Board of Mortuary Science. The names of said unlicensed persons did not include therewith the necessary disclaimer that said persons are unlicensed by the Board and not permitted to engage in the practice of mortuary science, in violation of N.J.A.C. 13:36-5.12(d)(1).

Respondents, desiring to resolve these matters 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 license of respondent Leber to practice mortuary science is suspended for three (3) years. Said suspension is stayed and will be served as a period of probation. The stay of said suspension is conditioned upon respondent Leber's compliance with each of the terms of this Order. In the event of non-compliance, the stay of the suspension may be vacated by the Board and said suspension will become active.

2. The registration of the Jorge Rivera Funeral Home, Inc. is suspended for a period of three (3) years. The suspension is stayed and is to be served as a period of probation. The stay of the suspension is conditioned upon respondent Funeral Home's compliance with each of the terms of this Order. In the event of non-compliance, the Board may vacate the stay of suspension and the suspension will become active.

3. Respondents will pay a civil penalty of \$25,000. Respondents will also pay costs in the amount of \$2,565. Said costs will be paid within ten (10) days of the entry of this Order by way of a certified check made payable to the "State Board of Mortuary Science". The civil penalty of \$25,000 will be paid in six (6) monthly installments of at least \$4,167 by way of certified checks made payable to the "State Board of Mortuary Science". The first installment will be received by the Board no later than December 1, 1997.

4. Respondents agree to cease and desist from the unlicensed practice of mortuary science.

5. Respondents agree to cease and desist from advertising in violation of the Board's regulations.

6. Respondent Leber will resign as the manager of the Jorge Rivera Funeral Home, Inc. as of the effective date of this Order. The respondent funeral home will retain a manager who is acceptable to the Board. The Board will provide the manager with a copy of this Order. The manager will, every three (3) months, submit to the Board a list of all funeral arrangements made during the reporting period. Said funerals will be identified by the names of the purchasers and/or intended funeral recipients and, if at need, the date of death. The manager 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. The reporting requirements of this paragraph will continue for as long as respondent Funeral Home is on probation.

7. Inspectors from the Division of Consumer Affairs, Enforcement Bureau, will make unannounced inspections of respondent Funeral Home on at least two (2) occasions during each year of the period of probation. Respondents will allow said investigators

immediate access to all records required to be maintained by the regulations of the Board. Respondents agree that they will reimburse the Enforcement Bureau for the cost of said inspections.

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.

Robert Leber
Robert Leber

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.

JORGE RIVERA FUNERAL
HOME, INC.

By: William J. Leber
WILLIAM J. LEGER
On behalf of the Jorge
Rivera Funeral Home, Inc.

Consented to as to form:

Robert Abrams
Robert Abrams, Esq.
Attorney for Respondents