

CERTIFIED TRUE COPY

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

FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON November 13, 1997

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSES :
AND REGISTRATIONS OF: :
:
RUSSELL C. SHEPPARD :
LICENSE NO. JP02400 :
:
RUSSELL C. SHEPPARD :
FUNERAL HOME (BRIDGETON) :
LICENSE NO. JP01223 and :
:
RUSSELL C. SHEPPARD :
FUNERAL HOME (SALEM) :
REGISTRATION NO. JB00801 :
:
TO PRACTICE MORTUARY SCIENCE AND :
TO OPERATE REGISTERED MORTUARIES :
IN THE STATE OF NEW JERSEY :
:

Administrative Action

ORDER

This matter was opened to the New Jersey State Board of Mortuary Science on or about April 24, 1997, upon the filing of a complaint by Peter Verniero, Attorney General of New Jersey, John DeCicco, Deputy Attorney General, appearing, seeking the suspension or revocation of the license of Russell C. Sheppard to practice mortuary science in the state of New Jersey, and of the registrations of the Russell C. Sheppard Funeral Homes located in Bridgeton and Salem in the State of New Jersey. Following the appearance of Russell C. Sheppard before the Board on August 5, 1997, when he appeared *pro se*, the Board

entered an Order finding that respondent Russell C. Sheppard and the two named funeral homes had violated the statutes and regulations governing the practice of mortuary science in the State of New Jersey; suspending the license of Russell C. Sheppard to practice mortuary science for a period of six years, three years of the time to be an active suspension commencing on August 15, 1997, and three years to be stayed and served as a period of probation; actively suspending the registrations of the funeral homes for 90 days commencing August 15, 1997; and ordering, among other things, that respondent was to accept no funerals after August 10, 1997; that respondent Sheppard could reopen the respondent funeral homes after 90 days only under the management of a Board licensee; that respondent Sheppard was to pay costs and a penalty of \$10,000, all costs and \$5,000 of the penalty to be paid within 30 days of the entry of the Order unless installment payments had been arranged; that within the 90 days during which the funeral homes were closed respondent Sheppard was to notify all of his pre-need clients about the closure, explaining to them their options pertaining to pre-need funds; and that respondent Sheppard was to maintain an active telephone line.

On or about October 2, 1997, a Notice of Motion for Emergent Relief was filed on behalf of the Attorney General by Deputy Attorney General DeCicco, who alleged that the Office of the Attorney General had received numerous additional complaints from consumers concerning monies prepaid to respondent, which monies were not available to them because they had not been placed in appropriate accounts. Complainant requested that the Board immediately revoke respondent's license and the registrations of his funeral homes.

Respondent appeared with counsel Bennett I. Bardfeld, Esq., on October 21, 1997, when the Board considered argument of both counsel as well as testimony of respondent and, after deliberation, made the

following findings:

1. The ninety (90) days which respondent Sheppard had been given to submit a list of pre-need accounts heretofore unknown to the Board had not yet elapsed.

2. The Board had accorded respondent the opportunity to submit said list within ninety (90) days based on respondent's representation under oath that the Board was already aware of most if not all of the aforesaid accounts.

3. The Office of the Attorney General had been contacted by no fewer than twenty (20) heretofore unknown pre-need clients of respondent, who had paid him no less than \$52,000.00 in pre-need funds.

4. Respondent had violated the Board's Order in that he had not forwarded to the Board the costs which had been assessed against him or any part of the penalty of \$10,000.00, \$5,000.00 of which had been due within thirty (30) days of the entry of the Order.

5. Respondent had violated the Order by failing to notify his pre-need clients that his funeral homes had been closed by the Board for ninety (90) days.

6. Respondent had violated the spirit, if not the letter, of the Order by failing to respond to telephone calls to his funeral homes.

Based on these findings, the Board hereby orders that:

1. Respondent shall contact all pre-need clients by mail on or before November 14, 1997, and shall offer them restitution, a continuation of the present pre-need arrangement, or transfer of funds to another licensed funeral home, all computed with five (5) percent annual interest. A list of those to whom he has mailed the letter, a copy of the letter, and a certification that he has made such a mailing must be presented to the Board on or before November 14, 1997.

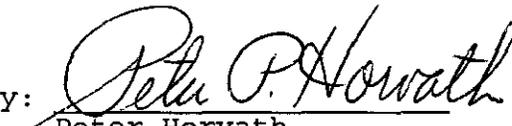
2. The suspension of the registrations of the Russell C. Sheppard

Funeral Homes in Bridgeton and Salem shall remain in effect until such time as respondent has submitted to the Board a complete list of all pre-need clients; the amount of each pre-need arrangement; the dates of the establishment of each trust account, transfer or restitution; proof that he has contacted all of his pre-need clients as ordered; proof that he has made all restitution or transfers as requested by clients or has established appropriate trust accounts for those clients who chose to continue pre-need arrangements with his funeral homes; and all those costs and penalties previously assessed.

3. Respondent's license to practice mortuary science in New Jersey will remain actively suspended at the end of the three (3) years delineated in the previous Order unless he has submitted the aforesaid proof of compliance and all costs and penalties.

4. Before resuming the active practice of mortuary science, respondent shall appear before the Board to demonstrate that he is fit to do so and is prepared to abide by the Board's rules and regulations.

BOARD OF MORTUARY SCIENCE

By: 
Peter Horvath
President pro tem