

CERTIFIED TRUE COPY

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

JACQUELINE A. LOWE
License No. JP 4120

TO PRACTICE MORTUARY SCIENCE
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON August 1, 2000

This matter was opened to the New Jersey State Board of Mortuary Science upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent was licensed to practice mortuary science in the State of New Jersey at all times relevant to the facts underlying the criminal conviction set forth below. Respondent failed to renew her biennial registration to practice mortuary science which expired on February 28, 1999.

2. On or about March 30, 1999, the New Jersey Superior Court, Morris County, Law Division -- Criminal entered a Judgment of Conviction against respondent. Respondent entered a plea of guilty to four counts of theft by deception in violation of N.J.S.A. 2C:21-1a(2); two counts of forgery/uttering in violation of N.J.S.A. 2C:21-1a(3); and one count of conspiracy in violation of N.J.S.A. 2C:5-2.

3. Respondent was sentenced to five years of probation, subject to the usual terms and conditions, plus the following special conditions: (1) 364 days in the Morris County Jail to be served on work release; (2) credit for time already served: 2 days; (3) urine monitoring; (4) \$20,000.00 restitution; and standard court assessments. (A copy of the Judgment of Conviction and attachments are annexed hereto and made a part hereof.)

4. The conduct underlying the Judgment of Conviction involved the misuse of funds in connection with respondent's practice of mortuary science.

CONCLUSIONS OF LAW

1. The above conviction provides grounds for the revocation of respondent's license to practice mortuary science in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that the crimes of which respondent was convicted are crimes of moral turpitude and/or relate adversely to the practice of mortuary science.

2. Further, the conduct which forms the basis of the conviction constitutes the use of dishonesty, fraud, and deception as well as professional misconduct in violation of N.J.S.A. 45:1-21(b) and (e).

3. Respondent's failure to renew her expired biennial certificate of registration constitutes a violation of N.J.S.A. 45:1-7.1(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice mortuary science in the State of New Jersey was entered on May 31, 2000 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the

stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the Provisional Order sent by means of certified mail was returned as unclaimed, the regular mail was not returned. The Provisional Order was forwarded to respondent's address of record, and no change of address was provided by respondent as required by N.J.A.C. 13:36-4.2. Because respondent provided no change of address and the Provisional Order was sent to respondent's address of record, the Board deems service to have been effected. Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this / 5th day of August, 2000,

ORDERED that:

1. Respondent's license to practice mortuary science in the State of New Jersey be and hereby is revoked.

2. In the event respondent desires to resume active practice in New Jersey, respondent shall be required to appear before the Board (or a committee thereof) to demonstrate her fitness to do so. Any practice in this State prior to formal reinstatement of the licensee by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should her license be reinstated.

NEW JERSEY STATE BOARD OF MORTUARY SCIENCE

By: _____


Gerald P. Scala, Esq.
Board President

Dated: August 1, 2000