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ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON

JANUARY 6, 2009

By: Doreen A. Hafner
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MORTUARY SCIENCE

<u>IN THE MATTER OF THE SUSPENSION</u>	:	
<u>OR REVOCATION OF THE LICENSE OF</u>	:	
STEPHEN K. FINLEY	:	Administrative Action
License No. 23JP00381500	:	
TO PRACTICE MORTUARY SCIENCE	:	CONSENT ORDER OF
<u>IN THE STATE OF NEW JERSEY</u>	:	REVOCATION OF LICENSE

This matter was opened to the New Jersey State Board of Mortuary Science (hereinafter "the Board") upon receipt of information that Respondent Stephen K. Finley (hereinafter "Respondent") was the subject of a criminal investigation stemming from his involvement in a scheme to harvest tissue from decedents for whom consent to harvest tissue had never been given. At all times pertinent to the within matter, Respondent was licensed to practice mortuary science in the State of New Jersey.

The record reflects that Respondent will plead guilty in the Superior Court of New Jersey, County of Essex, to One Count of Second Degree Theft of Human Remains. Respondent will enter this plea pursuant to a plea agreement wherein he agrees to a five year

term of incarceration, and to cease and desist from operating as a licensed funeral director by surrendering and forfeiting his New Jersey license. The Plea Agreement and the Judgment of Conviction shall be attached to this Order as Exhibit A and Exhibit B, respectively.

Respondent, having consulted with his attorney and being desirous of resolving this matter amicably, in lieu of the imminently anticipated litigation, acknowledges that his plea of guilty to the criminal charge and the underlying investigative material constitute grounds for disciplinary action by the Board pursuant to N.J.S.A. 45:1-21(b), (e), (f), and (h) (specifically, N.J.S.A. 45:7-95 and N.J.A.C. 13:36-5.18), and demonstrates the absence of good moral character that is an ongoing requirement of licensure pursuant to N.J.S.A. 45:7-50, and is sufficient to support the disposition herein. Respondent hereby waives any right he may have to a hearing, and consents and agrees to each and every term of this Consent Order. The Board finding the within disposition adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS on this 6th day of JANUARY, 2009, ~~2008~~,

HEREBY ORDERED AND AGREED THAT:

1. Respondent Stephen K. Finley shall immediately surrender his license to practice mortuary science in the State of New Jersey. Said surrender shall be deemed a revocation with prejudice of Respondent's license to practice mortuary science.
2. Respondent shall not hereafter apply or re-apply for his license to practice mortuary science in the State of New Jersey.
3. Respondent is enjoined from performing any services required to be performed by a licensed funeral director. In addition, Respondent shall not be present in any New Jersey funeral home, in an area accessible to the public, while people are making funeral arrangements, whether pre-need or at need. He shall not make removals. He shall not hold himself out in any manner as a funeral director or as being authorized to make funeral arrangements. In the event Respondent chooses to attend a public viewing or funeral arranged by a licensed funeral director from or at Berardinelli Forest Hill Memorial Home, Cremation at a Low Cost, Funeraria Santa Cruz, or any other New Jersey funeral home in which Respondent has any ownership interest, he shall not be permitted to accompany the funeral director, make announcements or committal prayers, or participate in any aspect of the funeral procession, including, without limitation, driving or traveling in any funeral home vehicle. He may not indicate that he is participating in the

funeral in any capacity other than as a member of the family or of the public, as appropriate.

4. For all public viewings or funerals attended by Respondent that are arranged by a licensed funeral director for or at Berardinelli Forest Hill Memorial Home, Cremation at a Low Cost, Funeraria Santa Cruz, or any other New Jersey funeral home in which Respondent has any ownership interest, the funeral home's manager shall maintain a log listing the name of the deceased, the date of the funeral, and list what events Respondent attended (for example: viewing, funeral ceremony, cemetery). The log is to be available to the Board upon request. The manager of each of the affected funeral homes is responsible for ensuring compliance with the terms of this Consent Order. Each manager shall be provided with a copy of this Consent Order, and shall notify the Board in writing that he or she has reviewed this Consent Order and understands the obligations set forth herein.

5. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$40,000. Payment of the \$40,000 in civil penalties shall be made in sixteen (16) monthly payments of \$2,500 per payment. The first payment shall be due on January 15, 2009, and subsequent payments shall continue to be due by the fifteenth of each succeeding month until all sixteen payments are completed. In the event that Respondent does not make a timely payment, the full balance will immediately become due. Payment

shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to William Mandeville, Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45009, Newark, New Jersey 07101.

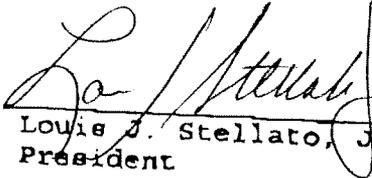
6. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$5,791.56. Said penalty to be paid in full at the time of entry of this Order. Payment shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board contemporaneously with the entry of this Order. Payment shall be sent to William Mandeville, Executive Director, at the address described in paragraph #5.

7. Failure to remit any payment as required by this Order will result in the filing of a Certificate of Debt.

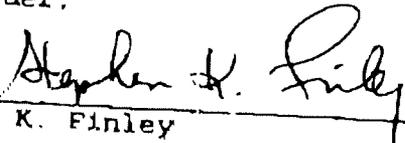
8. Respondent shall return his original New Jersey license to the New Jersey State Board of Mortuary Science, 124 Halsey Street, Post Office Box 45009, Newark, New Jersey, 07101, upon his receipt of a filed copy of this Order.

9. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

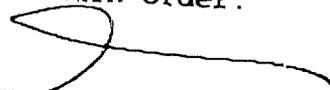
NEW JERSEY STATE BOARD OF MORTUARY SCIENCE

By: 
Louis J. Stellato, Jr.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Stephen K. Finley
12.30.2008
Date

I hereby consent to the form and entry of the within Order.


Alan D. Bowman Esq.
Attorney for Stephen K. Finley
12-30-08
Date