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Governor

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Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Mortuary Science of New Jersey
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February 9, 2016

By Certified and Regular Mail

John Marinella
101 North 3rd Street
Hammontown NJ 08037-1734

Re: **Uniform Penalty Letter in Lieu of Formal Disciplinary Complaint**
Our File #16-07, 23JP00251500

Dear John Marinella:

The New Jersey State Board of Mortuary Science (the "Board") has had an opportunity to review your continuing education credits for the period of March 1, 2013 through February 28, 2015. Please be advised that **for the 2013 through 2015 period you were required to complete a minimum of 10 credits of which at least one was to be in an Occupational Safety and Health Administration ("OSHA") course. (See N.J.A.C. 13:36-10.3).**
The Board has preliminarily determined that:

1. You submitted a renewal application for the current biennial period in which you indicated that you wanted your license placed on "active" status. You provided a payment of $250.00, the appropriate fee for an "active" license. Accordingly, you were issued an "active" license for the biennial period.

2. On the renewal application, you answered "YES" to question number 1, in which states: "Will you have completed the required continuing education credits by February 28, 2015". On or about July 15, 2015, you were directed by a letter sent via regular mail by the Board, to submit proof that you have completed these credits.

3. Upon review of your matter, it appears that you failed to complete a course or program in applicable Occupational Safety and Health Administration (OSHA) laws and regulation during the appropriate time period for the renewal of your license, **in violation** of **N.J.S.A.45:7-72.1** and **N.J.A.C**.13:36-10.3 et. seq., which is grounds for disciplinary action pursuant to **N.J.S.A. 45:1-21(h)**.

4. By failing to complete the required continuing education credits after submitting a renewal application in which you indicated that you will have completed the required continuing education credits by February 28, 2015, you have failed to comply with the provision outlined in **N.J.A.C**.13:36-10.3, **which is grounds for disciplinary action pursuant to N.J.S.A.45:1-21(h).**

You are hereby offered the opportunity to settle this matter and avoid the initiation of formal disciplinary proceedings by signing the enclosed certification and agreeing to **one of the following options**:

A) **Pay the penalty in the amount of $100.00** within fifteen (15) days of receipt of this letter.

B) **Submit a written explanation** along with sufficient proof to the Board and waive your rights to a hearing. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. Any disposition by way of a settlement will be a public record, and will have the same effect as an order of the Board. Any failure to comply with the terms to which you agree will be deemed a violation.

C) Finally, if you do not wish to settle this matter, you may **request a formal public administrative hearing**. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At the hearing, either personally or with the assistance of an attorney, will have an opportunity to respond to the charges, submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay costs incurred in the matter.

The enclosed certification should be completed and returned to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and you will be deemed in default. The allegations against you will be deemed uncontested. The Board will then proceed to schedule the matter for final review and will enter an appropriate order. Once an order has been entered, your failure to pay any penalties may result in further action to suspend or revoke your registration.

Should you have any questions concerning this letter of the settlement offer herein, I suggest that you contact Deputy Attorney General Meaghan Goulding, who may be reached at (973) 648-4741.

NEW JERSEY STATE
BOARD OF MORTUARY SCIENCE

By: Quin Archer
Quin Archer
Executive Director