CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Mortuary Science of New Jersey
124 Halsey Street, 6th Floor, Newark, NJ 07102

ROBERT LOUGY
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 45009
Newark, NJ 07101
(973) 504-6425

June 20, 2016

By Certified and Regular Mail

Kenneth C. Walsh
388 State Street
#2
Portsmouth NH 03801

Re: **Uniform Penalty Letter in Lieu of Formal Disciplinary Complaint**
Our File #16-42, 23JP00373100

Dear Kenneth Walsh:

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- 2015 licensing period you were required to obtain 10 credits hours of continuing education in courses or programs approved by the Board, which shall consist of two credits in preneed, three credits in funeral directing ethics and in New Jersey laws and rules relating to the practice of Mortuary Science and at least one, but no more than three credits in Occupational Safety and Health Administration ("OSHA"). Pursuant to N.J.A.C.13:36-10.3 the regulation also states that the credits in preneed and ethics/laws and rules shall require in-person attendance.** 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 "NO" 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 the required continuing education credits needed to maintain an active license.

3. Upon review of all available information, the Board has found that you have violated **N.J.S.A.45:7-72.1**, in that you failed to meet the requirements set forth by the Board that each person licensed to practice mortuary science, embalming, or funeral directing, as a condition for biennial license renewal pursuant to section 23 of P.L.1952, c.340 (c.45:7-54), to complete any continuing education requirements imposed by the board. More specifically, **you failed to obtain the required 10 continuing education credits, during the appropriate time period to maintain an active 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)**.

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 $1,000.00** by certified check or money order, made payable to the State of New Jersey within **fifteen (15) days of receipt of this letter to maintain an active license.** The penalty must be accompanied by the enclosed certification and mailed to the State Board of Mortuary Science, P.O. Box 45009, Newark, New Jersey, 07101. **You must also** complete **ten (10) credit hours of continuing education in a Board-approved course as defined in N.J.A.C.13:36-10.3,** within **6 months** from the date of this letter, more specifically, out of the ten required credit hours, at least **2** credit hours must be in preneed (in person attendance), and at least **3** credit hours must be in ethics/NJ laws (in person attendance) and at least one, but no more than three credits in Occupational Safety and Health Administration ("OSHA"). Please be advised, that no credit shall be received for viewing exhibits at professional and/or technical meeting and conferences. You should be aware that the make up credits may not be applied towards the current or any other licensing period.

B) **Voluntarily Surrender License** in which, you will be **prohibited to engage, conduct, arrange, advertise or hold yourself out as a licensed practitioners in any capacity, in accordance to the State Board Statutes and Regulations**. Surrender your license and the monetary penalty of $1,000.00 will be stayed, unless and/or until you apply for reinstatement of your license.

C) **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.

D) 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 practitioners license.

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