

FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON 7-11-07

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

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
 : **FINAL CONSENT ORDER**
JOSEPH A. FANTASIA :
LICENSE NO. 23JB00124700 :
 :
TO PRACTICE MORTUARY SCIENCE :
IN THE STATE OF NEW JERSEY :

This matter was separately opened to the New Jersey State Board of Mortuary Science (hereinafter the "Board") when on August 14, 2003, Joseph A. Fantasia (hereinafter the "Respondent") admitted to deceptive and misleading advertising in violation of N.J.A.C. 13:36-5.12(g) (1) and (5). On that date, Respondent entered into a Consent Order with the Board to cease and desist such action and pay a \$1,500.00 civil penalty.

This matter was recently opened to the Board upon receipt of information and allegations that Respondent failed to deposit moneys received for no less than ten prepaid funerals into a funeral trust account within thirty days of their receipt. These violations concern the prepaid funerals of alleged victims E.S., R.M., J.C.,

V.A., D.E., R.T., F.L., W.O., M.E. and M.G. Such allegations, if proven, would constitute violations of Board regulations, N.J.A.C. 13:36-11.12(a) and 13:36-11.2(e); acts of dishonesty and misrepresentation in violation of N.J.S.A. 45:1-21(b); professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e); and failure to comply with a regulation of the Board in violation of N.J.S.A. 45:1-21(h). At all times pertinent to the within matter, Respondent was licensed to practice mortuary science in the State of New Jersey.

Respondent was, at the time of these allegations, the funeral director at Van Tassel Chickene - Arthur K. Brown Funeral Home ("Van Tassel") located at 3337 Belleville Avenue, Bloomfield, New Jersey 07003 and/or Community Funeral Home ("Community") located at 257 Broadway, Passaic, NJ 07055.

The parties being desirous of resolving this matter without the necessity of further proceedings and it appearing that Respondent has read the terms of the within Final Consent Order and understands their meaning and effect and consents to be bound by same and has availed himself of the advice of counsel, and it further appearing that Respondent wishes to enter into an agreement without making admissions, and the Board finding the within disposition adequately protective of the public health, safety, and welfare;

IT IS ON THIS 11 day of July, 2017

ORDERED THAT:

1. Respondent, Joseph A. Fantasia, shall immediately surrender his license to practice mortuary science in the State of New Jersey, with such surrender to be deemed a revocation of Respondent's license.

2. Respondent shall be ineligible to reapply for his mortuary science license for seven (7) years following the filing date of this Order. Time spent in active practice in another jurisdiction during the period of revocation shall toll the time when Respondent shall be permitted to reapply for his license in New Jersey.

3. Respondent shall return his original licensing documents, including his original wall certificate and current license to the Board office, attention, Quin Archer, Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45009, Newark, New Jersey 07101 contemporaneously with the signing of this Consent Order.

4. Respondent is barred from any involvement in, or ownership of, any aspect of the funeral director industry or funeral home business. This restriction includes duties performed in the industry that both do and do not require any license, with the exception of removals.

5. Respondent shall keep a log of all removals of human remains conducted or arranged by him and brought onto the premises of his property located at 257 Broadway, Passaic, NJ 07055 or any

other real estate property that he owns that houses a funeral home. The log shall be signed by Respondent and the funeral home manager at the time of delivery of the human remains. Respondent shall submit the log to the Board on a quarterly basis each year as follows: by the first of the month starting with October 1, 2017, followed by January 1, 2018, April 1, 2018, July 1, 2018 and so on.

6. Respondent shall cease and desist 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 any area accessible to the public, while people are making funeral arrangements, whether pre-need or at need. Respondent shall not hold himself out in any manner as a funeral director or as 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 any New Jersey funeral home, he shall not accompany the funeral director, make announcements or committal prayers, or participate in any aspect of the funeral procession, including but not limited to driving or traveling in any funeral home vehicle. Respondent shall 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.

7. For all public viewings or funerals attended by Respondent that are arranged by a licensed funeral director for or at any New

Jersey funeral home in which Respondent had 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 the events Respondent attended (for example: viewing, funeral ceremony, cemetery). The log shall be available to the Board upon request. The manager of any affected funeral home 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.

8. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000 for each known failure to deposit moneys into a prepaid trust account, totaling \$50,000.

9. Respondent is also assessed investigative costs and attorneys' fees totaling \$21,400.02.

10. Respondent shall make an initial payment of \$5,000.00 within thirty days of the filing of this Order. In addition but not in lieu of the filing of the Certificate of Debt, Respondent may request, and the Board will allow the penalty to be paid in equal monthly installments of \$1,383.33 over the course of forty eight months. Each payment shall be due on the first business day of each month, commencing on September 1, 2017. Failure to make any payment timely shall result in the entire balance being due and owing.

Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11.

11. All payments shall be made by bank check, money order, wire transfer or credit card payable to the State of New Jersey, and forwarded to Quin Archer, Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45009, Newark, New Jersey 07101. If a form of payment is presented other than the form of payment noted above, it will be rejected and will be returned to the Respondent. In the event that a monthly payment is not received within five days of its due date, the entire balance of the civil penalty and costs shall become due and owing.

12. Failure to remit payments as required by this Order will result in the filing of a Certificate of Debt and such other proceedings as are permitted by law.

13. Prior to reapplication of his New Jersey license to practice mortuary science, Respondent shall appear before the Board or a Committee of the Board, to demonstrate his fitness to resume practice, demonstrating at a minimum successful completion of a Board approved course in ethics within the sixth year of the revocation period and payment of all penalties and costs as set forth above. "Successful completion" of the required course means that Respondent attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass.

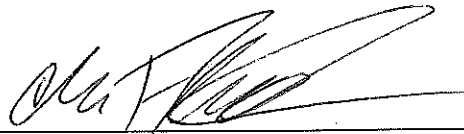
Should Respondent be granted a mortuary science license following the period of revocation, the Board reserves the right to condition or limit Respondent's license, as in its sole discretion seems appropriate to the circumstances of this matter, and in order to protect the public health, safety and welfare.

14. This Consent Order shall be a full and final resolution of the conduct expressly referenced in this Order and all complaints received by the Board prior to the entry of this Order. The parties hereby stipulate that entry of this Order is without prejudice to any action by law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

15. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Final Consent Order, the Board reserves the right to bring further disciplinary action.

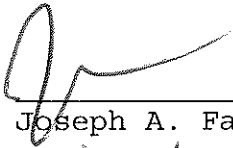
NEW JERSEY STATE BOARD OF MORTUARY SCIENCE

By:



Charles Bechtold
Board 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.

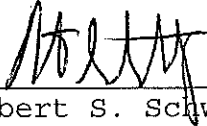


Joseph A. Fantasia

6/29/17

Date

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



Robert S. Schwartz, Esq.
Hanlon, Dunn, Robertson, Schwartz
& Webb
Counsel for Joseph A. Fantasia