

# **The New Jersey State Board of Mortuary Science**

124 Halsey Street, Newark, NJ 07102  
Sussex Conference Room, 6th Floor  
9:00 A.M., Tuesday, January 22, 2002  
<http://www.state.nj.us/lps/ca/nonmed.htm#mort7>

## **OPEN SESSION MEETING MINUTES (REVISED)\*\*\***

### **IN ATTENDANCE**

Gerald P. Scala, Esq., President, Public Member  
Donald P. Codey, Secretary  
Richard R. Bradley  
Kevin G. Quinn  
Charles D. Sidun  
Bernadette Stoecker-Rossi  
Raymond Zane, Jr., Public Member

### **ABSENT**

Marius R. Lombardi, Government Member

### **ALSO ATTENDING**

Paul C. Brush, Executive Director  
Jodi C. Krugman, Deputy Attorney General  
Africa Lee, Computer Operator Assistant

### **EXECUTIVE DIRECTOR'S REPORT**

A) Mr. Brush reported that nine (9) complaints were received in December; the total for the year was seventy-two (72).

B) Mr. Brush and President Scala welcomed new Board members Richard Bradley and Raymond Zane, Jr. to the Board. Mr. Scala also thanked John DeCicco and Peter Horvath for their service to the public as members of the Board. Mr. Scala congratulated Senator Richard Codey who served as interim Governor and noted that he is the first funeral director in New Jersey to serve in that position.

C) The next monthly Board meeting will be on February 5, 2002.

### **INTERN REGISTRATIONS**

Tyrone A. Muhammad, Cotton Funeral Service, Newark  
Janel Deane, Reilly Funeral Home, Belmar

### **NEW LICENSEES**

Jodi Ann Vuolo  
Mary E. Kohler  
Angela S. Thomas  
Michael Morrone  
Toni Marie Pagliarini  
Frankie E. Francis  
Lawrence P. Gutterman

## **NEW INSTALLATIONS**

Gutterman Wien Funeral Directors, Livingston, Mark R. Harris, Mgr.  
G. G. WOODY FH LLC, Roselle, George G. Woody, Mgr.  
J. C. Prall Inc. FH, Scotch Plains, James T. Simmons, Mgr.  
Bernheim Apter Krietzman Suburban FH, Livingston, Mark R. Harris, Mgr.  
Bernheim Apter Goldsticker Suburban FH, Livingston, Mark R. Harris, Mgr.  
Wien & Wien Memorial Chapel, Union City, Barry Wien, Mgr.  
Flynn and Son FH, Metuchen, Brendan J. Flynn, Mgr.  
Koyen FH, Metuchen, Brendan J. Flynn, Mgr.

At 9:45 a.m., the meeting was recessed as the building was evacuated for an apparent security matter. At 10:20 a.m. the meeting resumed.

## **CONTINUING EDUCATION**

- A) Credentials Committee Report. On motion made by Ms. Stoecker-Rossi, seconded by Mr. Sidun, the Board voted to accept the attached report. All voted in favor of the motion.
- B) Mr. Scala appointed Mr. Sidun to the Credentials Committee to replace Mr. Horvath and he appointed Mr. Bradley as an alternate member.

## **CORRESPONDENCE**

- A) New Jersey Cemetery Board public session minutes November 1, 2001. This was for the Board's information only.
- B) New Jersey Cemetery Board public session agenda January 10, 2002. This was for the Board's information only.
- C) Death Care Business Advisor article re lawsuit claims that the Pennsylvania funeral board regulations are unconstitutional. This was for the Board's information only.
- D) Federal Trade Commission letter response to the Board's inquiry about the FTC's interpretation of the requirement for "printed" general price list. The letter referred to the FTC publication "Complying with the Funeral Rule" and opined that "'printed' meant both type-written and hand-written as long as the hand writing is clear and legible". The Board referred the matter to the Regulations Committee.
- E) New York State Department of Health letter to the attorney for the New Jersey State Funeral Directors Association regarding reciprocity. The writer stated that because New Jersey's educational requirements for licensure differ from New York, New Jersey does not extend full recognition to licensees in New York and, accordingly, the New York Board cannot extend reciprocity to licensees of New Jersey. This was for the Board's information only.

## **DISCIPLINARY MATTERS**

- A) #99-34 Paul W. Budd FH, Woodbury - Mr. Zane recused himself from this matter citing his position as a freeholder in Gloucester County. Letter submitted in lieu of the public hearing for a uniform penalty letter for violation of

**N.J.A.C.** 13:36-5.12(g); penalty \$7,500.00. The Board reviewed the matter and on motion made by Mr. Quinn, seconded by Ms. Stoecker-Rossi, determined to reduce the penalty to \$6,000.00. All voted in favor of the motion.

B) #99-47 Drew FH, Newark, Montclair, Union - Consent Order for violation of **N.J.A.C.** 13:36-5.5 and 5.6; penalty \$6,000.00 paid November 20, 2001. This was for the Board's information only.

C) #99-86 Timothy E. Ryan Home for Funerals, Toms River. Mr. Quinn recused himself from discussion of this matter as an associate of the complainant. A uniform penalty letter was issued for violation of **N.J.A.C.** 13:36-5.12(f) and (g)6, deceptive and misleading advertising and unsubstantiated claim of superiority or superior quality of services or merchandise. Mr. Ryan requested a public hearing which the Board determined to schedule for April 9, 2002.

D) #99-87 Winowicz Funeral Service, Trenton. Letter submitted in lieu of a public hearing for a uniform penalty letter for violation of **N.J.A.C.** 13:36-5.5 and 5.6, various inspection violations; penalty \$800.00. The Board reviewed the matter and on motion made by Ms. Stoecker-Rossi, seconded by Mr. Quinn, determined to sustain the penalty. All voted in favor of the motion.

E) #99-88 Saul Memorial Home, Trenton - uniform penalty letter for violation of **N.J.A.C.** 13:36-5.6(a)6 and 9, preparation room violations; penalty \$200.00 paid January 15, 2002. This was for the Board's information only.

F) #00-36 Berardinelli Forest Hill Memorial Inc., Newark . Letter submitted in lieu of a public hearing for a uniform penalty letter for violation of **N.J.A.C.** 13:36-5.12(c), advertising violations; penalty \$2,500.00. The Board reviewed the matter and on motion made by Mr. Quinn, seconded by Ms. Stoecker-Rossi, determined to sustain the penalty. All voted in favor of the motion.

G) #00-68 Bell Hennessy FH, Williamstown. Consent Order for administrative costs in the amount of \$6,174.21 paid January 2, 2002. This was for the Board's information only.

H) #00-71 George J. Govich #JP3536. Consent Order filed with the Board on January 15, 2002 for permitting an unlicensed person to engage in the practice of mortuary science by making pre-need and at-need funeral arrangements. Penalties assessed: license suspended for six years (two years active suspension); monetary penalty \$5,000.00; investigative costs \$446.39. This was for the Board's information only.

I) #01-33 Campbell Funeral Chapel, Trenton. Letter submitted in lieu of a public hearing for a uniform penalty letter for violation of **N.J.A.C.** 13:36-1.9(c), penalty \$1,000.00. The Board reviewed the matter and on motion made by Mr. Sidun, seconded by Mr. Quinn, determined to sustain the penalty. All voted in favor of the motion.

J) #01-64 Quinn-Hopping FH, Livingston. Mr. Quinn recused himself from discussion of this matter because of his association with the funeral home. Letter submitted in lieu of a public hearing for a uniform penalty letter for violation of **N.J.A.C.** 13:36-2.9, failure to terminate an intern; penalty \$2,500.00. The Board reviewed the matter and on motion made by Mr. Sidun, seconded by Ms. Stoecker-Rossi, determined to sustain the penalty. All voted in favor of the motion.

K) #01-65 The Godfrey FH, Ocean City. Uniform penalty letter for violation of **N.J.A.C.** 13:36-2.9, failure to terminate an intern; penalty \$2,500.00 paid December 20, 2001. This was for the Board's information only.

L) #01-66 Caggiano Memorial Home for Funerals, Montclair. Letter submitted in lieu of a public hearing for a uniform penalty letter for violation of **N.J.A.C.** 13:36-2.9, failure to terminate an intern; penalty \$2,500.00. The Board reviewed the matter and on motion made by Mr. Sidun, seconded by Ms. Stoecker-Rossi, determined to sustain the penalty. All voted in favor of the motion.

M) #00-71 Eckman FH, Spotswood. Consent Order filed with the Board on December 26, 2001; administrative costs in the amount of \$6,873.00 paid December 28, 2001. This was for the Board's information only.

## **PUBLIC COMMENTS**

Maryann Carroll, NJ State Funeral Directors Association - Ms. Carroll requested that she be placed on the mailing list for uniform penalty letters and Administrative Orders. The Board agreed to do so.

**EXECUTIVE SESSION 11:30 a.m.** - Motion made by Mr. Sidun, seconded by Ms. Stoecker-Rossi to go into executive session to discuss consumer complaints and/or conduct investigative inquiries. All voted in favor of the motion. The results of these deliberations will be made known when and if the Board determines to initiate disciplinary or other law enforcement action. If the Board determines to issue uniform penalty letters, that action will be taken in public session immediately after the executive session.

The following disciplinary actions were taken in executive session:

\*\*\* A) #00-70 Spinelli-Scura and the Weatherhead Funeral Home, Orange - uniform penalty letter for violation of N.J.A.C. 13:36-1.9(c); penalty \$1,000.00. Note: this was incorrectly reported in the minutes as a violation by the Worden-Hoidal Funeral Home, Red Bank.

4:15 P.M. Motion to adjourn by Mr. Sidun, seconded by Mr. Zane. All voted in favor of the motion.

Respectfully submitted,

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Donald R. Codey  
Secretary

Date



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*Posted July 2002*