

THE NEW JERSEY STATE BOARD OF MORTUARY SCIENCE

124 HALSEY STREET, NEWARK, NJ 07102

HUDSON ROOM , 6TH FLOOR

9:30 A.M., TUESDAY, MARCH 4, 2003

<http://www.njconsumeraffairs.com/nonmedical/mortuary.htm>

OPEN SESSION MEETING MINUTES

IN ATTENDANCE

Gerald P. Scala, Esq., President, Public Member

Marius R. Lombardi, Secretary

Richard J. Galante, Jr., (left at 3:45 P.M.).

Edith Churchman

Thomas C. Brown

Richard Bradley

Anthony P. Vainieri, Jr.

ABSENT

Donald R. Codey

Charles D. Sidun

EXECUTIVE DIRECTOR'S REPORT

A) Mr. Brush welcomed the new Board members Dr. Churchman and Mr. Vainieri.

B) Mr. Brush reported that sixteen (16) complaints were received in February.

C) Mr. Brush reported that the next monthly meeting has been scheduled for April 1, 2003, 6th floor, Hudson Conference Room.

D) Executive Director Paul C. Brush retired effective March 1, 2003. This was for the Board's information only.

E) Mr. Brush introduced the new Executive Director William Mandeville..

F) Board members Mr. Scala and Mr. Lombardi, DAG Krugman and executive director Mr. Brush attendance at Funeral Service Advisory Commission meeting at Mercer County Community College on February 25, 2003 hosted by Robert Smith. This was for the Board's information only.

INTERN REGISTRATION

Jose L. Gomez, Jorge Rivera Funeral Home, Inc., North Bergen

NEW LICENSEES

Mark Whittaker

Laura Higgins Hoge

Erica Predpelski

NEW INSTALLATIONS

Preston Funeral Home, South Orange, A. Clarke Holle, mgr.

Van Tassel Chickene - Arthur K. Brown Funeral Home, Bloomfield, Joseph Fantasia, mgr.

SS & W, LLC, Orange, Frank R. Scura, Jr., mgr.

H.T. Layton and Son Home for Funerals, Woodstown, S.J. Adams, mgr.

CONTINUING EDUCATION

A) Credentials Committee Report. On motion made by Mr. Lombardi, seconded by Mr. Bradley, the Board voted to accept the attached report. All voted in favor of the motion. Ms. Churchman recused herself.

CORRESPONDENCE

A) Letter from Wilson Beebe, Jr., Executive Director, NJSFDA, suggesting that obituary death notices should not be subject to advertising regulation N.J.A.C. 13:36-5.12(c).

B) Letter from Christopher R. Whalen, CPA, regarding propriety of adding credit card fees to Statement of Funeral Goods and Services Selected. The Board determined that adding credit card fees to the Statement of Funeral Goods and Services Selected doesn't come within the purview of the board regulations.

C) Death Care Advisor article Federal judge upholds Oklahoma law barring unlicensed casket sales. This was for the Board's information only.

D) NJ Cemetery Board public session minutes November 14, 2002. This was for the Board's information only.

E) NJ Cemetery Board public agenda January 9, 2003. This was for the Board's information only.

F) NJ Cemetery Board public agenda February 13, 2003. This was for the Board's information only.

G) Consumer Alert - Scammers target the bereaved. This was for the Board's information only.

H) Letter from Carl J. Hasson regarding disbursement of cremains. On motion made by Mr. Bradley, seconded by Mr. Lombardi, the Board determined that if you provide proof of information the death certificate can be changed. Mr. Hasson can seek counsel and should investigate the possibility of seeking his own court order. All voted in favor of the motion.

I) Letter from Joseph P. Horan requesting permission to use another funeral home establishment. On motion made by Mr. Bradley, seconded by Mr. Brown, the Board determined to give Mr. Horan ninety (90) days and site the regulation and the use of a mortuary more than three (3) times don't apply. All voted in favor of the motion.

J) Memo from Paul C. Brush asking if a license number is required in the public death notice. (no notes)

OPEN DISCIPLINARY MATTERS

#00-32 Day Funeral Home, Keyport - uniform penalty letter for violation of N.J.S.A. 45:1-21(e). \$1,500.00 paid January 31, 2003. This was for the Board's information only.

#99-86 I/M/O Timothy E. Ryan letter from Edward Hanratty, Esq., filing a motion for stay of the administrative penalty pending outcome of the appeal. On motion made by Mr. Bradley, seconded by Mr. Scala, the Board voted to grant the motion for stay. All voted in favor of the motion. Mr. Lombardi and Mr. Galante recused themselves.

#02-31 Krowicki McCracken Funeral Home, Linden - uniform penalty letter for violation of N.J.A.C. 13:36-5.12(c). Letter submitted in lieu of public hearing On motion made by Mr. Scala, seconded by Mr. Vainieri, the Board voted to withdraw the uniform penalty letter All voted in favor of the motion. Ms. Churchman recused

herself. On motion made by Mr. Scala, seconded by Mr. Vainieri, the Board voted to issue a uniform penalty for violation of N.J.A.C. 13:36-5.12(i) and re-issue a new uniform penalty letter for violation of N.J.A.C. 13:36-5.12(c) (advertising violation) with a penalty of \$250.00. Mr. Scala, Mr. Vainieri, Mr. Lombardi, Ms. Churchman, Mr. Brown, Mr. Galante all voted in favor of the motion. Mr. Bradley voted against the motion.

#03-6 Eichel Funeral Home, Pennsauken - uniform penalty letter for violation of N.J.A.C. 13:36-5.12(i), 13:36-5.12(c). \$750.00 paid February 27, 2003. This was for the Board's information only.

REGULATORY MATTERS

New Jersey Cemetery Board Proposed Amendments: N.J.A.C. 13:44j-3.1, 7.1, 10.5, 13.1, 13.3 through 13.7, 14.1, 14.2, 15.2 and 15.3. This matter is being held until the next monthly meeting,

COMMITTEE REPORTS

Regulations - None.

Newsletter - The news letter has been finalized and forwarded for processing.

PUBLIC COMMENTS

None.

EXECUTIVE SESSION - 12:25 P.M. - Motion made by Mr. Lombardi, seconded by Mr. Galante 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.

Respectfully submitted,

Marius R. Lombardi Date
Secretary
