

The New Jersey State Board of Mortuary Science

124 Halsey Street, Newark, NJ 07102
Conference Room, 10c, 5th Floor
9:30 A.M., Tuesday, April 9, 2002

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

OPEN SESSION MEETING MINUTES

IN ATTENDANCE

Gerald P. Scala, Esq., President, Public Member
Donald P. Codey, Secretary
Marius R. Lombardi, Government Member (left 2:30 p.m.)
Richard R. Bradley
Kevin G. Quinn (left 2:05 p.m.)
Charles D. Sidun (left 2:30 p.m.)

ABSENT

Bernadette Stoecker-Rossi
Raymond Zane, Jr., Public Member

ALSO ATTENDING

Paul C. Brush, Executive Director
Jodi C. Krugman, Deputy Attorney General
Sabrina Riles, Secretarial Assistant
Cynthia Khalil, Senior Clerk Transcriber

EXECUTIVE DIRECTOR'S REPORT

- A) Mr. Brush reported that there were no complaints received in March.
- B) The next monthly Board meeting will be on Tuesday, May 14, 2002.
- C) The results of the jurisprudence examination on February 25, 2002: eleven passed and 1 failed.
- D) Mr. Brush and Mr. Scala attended the annual conference of the International Conference of Funeral Service Examining Boards in Dallas on April 4 - 6, 2002.

INTERN REGISTRATIONS

Edward Oliveira, Day Funeral Home, Inc., Keyport
Valerie Uras, John F. Pflieger Funeral Home, Inc., Middletown
Katherine Riposta, A.S. Cole & Son Co., Cranbury

NEW LICENSEES

Rasheeda V. Ali
Mary T. Gaeta
Scott J. Adams
Chrystal Athey
Michele O'Neill
Aimee Ferullo

NEW INSTALLATIONS

None

CONTINUING EDUCATION

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

CORRESPONDENCE

A) New Jersey Cemetery Board public session minutes January 10, 2002. This was for the Board's information only.

B) New Jersey Cemetery Board public session agenda March 14, 2002. This was for the Board's information only.

C) Anthony Miragliotta, Deputy Director, memo enclosing new rule N.J.A.C. 19:61-7 concerning the process for Board member recusal. This was for the Board's information only.

D) R. Neil Vance, Managing Actuary, Life & Health, Department of Banking and Insurance, Division of Insurance, letter to the Board re Fortis/United Family Life Insurance Company, requesting that the Board delay responding to Fortis until they have responded to Mr. Vance's inquiries. The Board reviewed the matter and determined to concur with his request. Mr. Scala stated that because of the seriousness and complexity of the issues involved, he would create a special committee to review the matter. The committee will meet prior to the next Board meeting. He appointed the following to the committee: Mr. Scala, Mr. Lombardi and Mr. Bradley. DAG Krugman and Mr. Brush will also participate.

E) Wilson H. Beebe, Jr., Executive Director, New Jersey State Funeral Directors Association, letter requesting that the Board determine, in conjunction with the Department of Banking and Insurance, that the insurance proposal submitted by Fortis/United Family Life Insurance Company is not permissible in the State of New Jersey. The Board determined to refer his letter to the aforementioned committee.

F) Cele Ogawa, counsel to Fortis/United Family Life Insurance Company - letter to Mr. Neil Vance, DOBI, in response to his letter dated February 28, 2002 to the Board. The Board determined to refer this letter also to the aforementioned committee.

G) Wilson H. Beebe, Jr., Executive Director, NJSFDA, letter dated March 8, 2002 to the member of the New Jersey Legislature, citing recent events in the Georgia crematory, reaffirming their commitment to the separation of funeral homes from cemeteries in the State of New Jersey. This was for the Board's information only.

LICENSING MATTERS

A) Victor Azar - application for internship. This matter was moved to the executive session agenda.

B) Arthur H. Anderson, Jr., request for a waiver of continuing education requirements due to illness. The Board reviewed the matter and on motion made by Mr. Quinn, seconded by Mr. Codey, voted to waive the continuing education requirements for the current license period only. All voted in favor of the motion.

LEGISLATIVE MATTERS

A) S1224 - Provides for fingerprinting of certain applicants or employees and the exchange of criminal history records; expands investigatory powers in the event of domestic security situations. The Board reviewed the legislation and on motion made by Mr. Sidun, seconded by Mr. Bradley, voted to support the bill. All voted in favor of the motion.

REGULATORY MATTERS

A) The following adoptions of Board regulations were published in the New Jersey Register on March 18, 2002: Adopted Amendments: N.J.A.C. 13:36-1.8, 3.7, 5.1, 5.6, 5.12, 8.2, 8.11 and 9.7; Adopted Repeals: N.J.A.C. 13:36-5.19 and 5.20; Adopted New Rules: N.J.A.C. 13:36-8.6, 8.12 and 8.13. This was for the Board's information only.

B) The following proposed Board regulations were published in the New Jersey Register on April 1, 2002: Proposed Amendments: N.J.A.C. 13:36-5.12, 9.5, 9.6, 9.7 and 9.9; Proposed New Rule: N.J.A.C. 13:36-5.21. Comment period ends May 31, 2002. This was for the Board's information only.

DISCIPLINARY MATTERS

A) #02-06 Lisiecki Memorial Home, Trenton - uniform penalty letter for violation of N.J.A.C. 13:36-5.12(i) failure to detail goods and services in the advertisement; penalty \$1,000.00. The Board reviewed a letter from the manager in response and on motion made by Mr. Sidun, seconded by Mr. Quinn, voted to sustain the penalty. All voted in favor of the motion.

PUBLIC COMMENTS

Wilson H. Beebe, Jr., Executive Director , NJ State Funeral Directors Association, presented his views on the matter involving the Fortis/United Family Life Insurance Company and requested that the Board not approve their proposal to invest preneed trust funds in life insurance policies under certain circumstances. Mr. Scala thanked him for his comments and stated that they would be taken under advisement.

EXECUTIVE SESSION - 10:35 a.m. Motion made by Mr. Lombardi, seconded by Mr. Sidun 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 action was taken in executive session:

#02-18 Rivero Funeral Home, Union City - uniform penalty letter for violation of N.J.A.C. 13:36-5.12(g)1; inclusion of an unlicensed person in an advertisement without the proper disclosures; penalty \$500.00.

2:45 p.m. Motion to adjourn by Mr. Codey, seconded by Mr. Scala. All voted in favor of the motion.

Respectfully submitted,

Donald R. Codey

Date

Secretary
