

# State Board of Mortuary Science of New Jersey

June 5, 2001

## Open Session Meeting Minutes

### IN ATTENDANCE

Gerald P. Scala, Esq., President, Public Member  
Donald P. Codey, Secretary  
Peter P. Horvath  
Kevin G. Quinn  
Charles D. Sidun (left 4:00 p.m.)  
John DeCicco, Esq., Public Member  
Marius R. Lombardi, Government Member

### ABSENT

Bernadette Stoecker-Rossi

### ALSO ATTENDING

Paul C. Brush, Executive Director  
Jodi C. Krugman, Deputy Attorney General  
Sabrina Riles, Secretarial Assistant

### EXECUTIVE DIRECTOR'S REPORT

- A) Mr. Brush reported that two (2) complaints were received in April and seven (7) complaints were received in May.
- B) Mr. Brush reported that the next monthly Board meeting will be held Tuesday, July 3, 2001.
- C) Mr. Brush reported that the Board members per diem will be increased from \$50.00 to \$100.00 for a full day meeting and \$25.00 to \$50.00 for a half day meeting.

### APPROVAL OF MINUTES

January 9, 2001 - On motion made by Mr. Horvath, seconded by Mr. DeCicco, the Board voted to approve the minutes. All voted in favor of the motion.

### INTERN REGISTRATIONS

Melissa A. Kanapaux, Morgan Funeral Home, Netcong  
Daniel Powlesland, Bergen Services, Neptune  
Sung Cha, Schetter Funeral Home, Cherry Hill

### NEW LICENSEES

Tara L. Kovalski, Glen Rock  
Maryellen J. McLaughlin, Summit  
Richard T. Edwards, Bridgeton  
Theodore J. Ricci, Spotswood

## **NEW INSTALLATIONS**

Murray's "A Temple of Service", Jersey City/Frank L. Murray, Mgr.  
Jewish Funeral Homes Of New Jersey, Teaneck/Daniel Leber, Mgr.  
Hillsborough Funeral Home, Belle Mead/Michelle Reilly, Mgr.

## **CONTINUING EDUCATION**

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

## **LICENSING MATTERS**

A) Mr. Brush discussed the requirement to issue a new registration to a funeral home when there has been a change in the form of business entity. It is not uncommon for proprietors of funeral homes to incorporate or otherwise change their form of ownership, thus requiring a new registration. When this occurs, the old registration is terminated as is the funeral home file and a new registration and file are opened even though there has been no substantive change in ownership. Mr. Brush stated that there could be a loss of continuity from the old file to the new file and he asked the Board to consider waiving the requirement for a new registration in these circumstances. The Board referred the matter to DAG Krugman for review.

B) DAG Krugman discussed an Appellate Division decision reversing and remanding a lower court decision granting summary judgment in favor of the defendant in a case regarding the defendant's absolute right to use a family name for business purposes. The court ruled that the right to use a family name is not absolute if it may cause confusion with another well established business. This was for the Board's information and future reference if necessary.

C) Robert M. Landolphi, license #JP2938 lapsed March 1, 1983 and Anthony Cross, license #JP3453 lapsed February 28, 1981; requests for reinstatement. The Board reviewed their separate requests and determined that, due to the length of time since their licenses lapsed, to qualify for reinstatement they must register as an intern, complete a minimum of three (3) months internship, complete twenty-five (25) embalmings and twenty-five (25) funerals, complete twenty-five (25) continuing education credits, successfully complete the National Board Examination, jurisprudence examination and the practical examination. The Board asked Mr. Brush to ascertain whether the National Board Examination can be retaken by a candidate who had previously passed the exam.

## **CORRESPONDENCE**

A) Executive Director Paul Brush memo regarding propriety of permitting the use of the names of other owned funeral homes on the funeral home sign. The Board reviewed the matter and on motion made by Mr. Horvath, seconded by Mr. Sidun, determined that it would not be appropriate to display information other than that required by N.J.A.C. 13:36-5.10. All voted in favor of the motion.

B) Death Care Business Advisor article reporting that a U.S. District Court dismissed a preneed suit against the Pennsylvania Funeral Directors Association brought by Commonwealth Funeral Consultants, Inc. This was for the Board's information only.

C) NJ Cemetery Board public session agenda 5/10/01. This was for the Board's information only.

D) FINALJOURNEY, Culver City, CA, letter requesting information about revenue sharing through the use of 1-800

toll free telephone numbers. This matter was tabled for a future meeting.

## **PUBLIC COMMENTS**

None.

## **EXECUTIVE SESSION - 11:00 a.m.**

- motion made by Mr. DeCicco, seconded by Mr. Lombardi 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 Uniform Penalty letters were approved:

#01-17 Stephen J. Priola Parsippany Funeral Service, Lake Hiawatha/Stephen J. Priola, Mgr.- violation of N.J.A.C. 13:36-5.12(c) ; failure to include the manager's name in an advertisement in the church bulletin; penalty \$250.00.

4:30 p.m. The Board returned to open session. Motion to adjourn by Mr. Horvath, seconded by Mr. Codey. All voted in favor of the motion.

Respectfully submitted,

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Donald R. Codey  
Secretary

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Date

*Modified March 2002*