

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: John A. Fortin Jr.

Petition No. 980402-030-002

**CONSENT ORDER**

WHEREAS, John A. Fortin, Jr., of Ellington, Connecticut (hereinafter "respondent") has been issued license number 002188 to practice embalming by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. At all times relevant to this Consent Order, respondent has been the manager and majority shareholder of Burke-Fortin Funeral Home in Rockville, Connecticut.
2. On July 31, 1997, respondent provided a funeral and burial services for Doris Mitchell.
3. Respondent failed to ensure that Mrs. Mitchell's body was properly embalmed and prepared, causing it to leak fluid during the funeral service.
4. Respondent failed to warn Mrs. Mitchell's family that leaking of fluids from her body and the casket was likely.
5. Respondent cut short the funeral service and delayed the family and friends from joining the hearse as was originally agreed.
6. Respondent's employees placed Mrs. Mitchell's casket at the gravesite before her family and friends arrived at the cemetery, thus depriving them of the funeral procession to the gravesite.

7. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 20-227 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-227 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 002188 to practice as an embalmer in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of three thousand dollars (\$3000) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
5. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
6. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any

subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-227 of the General Statutes of Connecticut, as amended, is at issue.

7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
10. Respondent has the right to consult with an attorney prior to signing this document.

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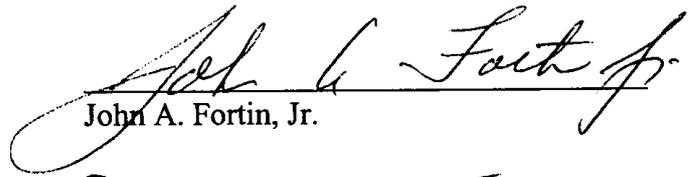
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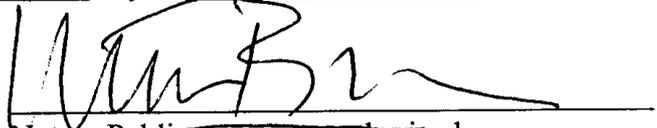
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I, John A. Fortin, Jr., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
John A. Fortin, Jr.

Subscribed and sworn to before me this 2<sup>nd</sup> day of NOVEMBER 1999.

  
~~Notary Public or person authorized  
by law to administer an oath or affirmation~~

The above Consent Order having been presented to the duly appointed agent of the

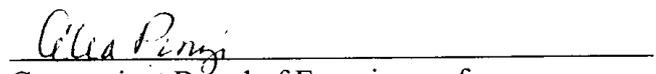
Commissioner of the Department of Public Health on the 17<sup>th</sup> day of

November 1999, it is hereby accepted.

  
Kathleen Zarrella, Director  
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Board

on the 18<sup>th</sup> day of November 1999, it is hereby ordered and accepted.

  
Connecticut Board of Examiners of  
Embalmers and Funeral Directors