

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

In re: Luke DiMaria, Embalmer

Petition No. 970731-030-004

**CONSENT ORDER**

WHEREAS, Luke DiMaria, Embalmer, of Hartford, Connecticut (hereinafter "respondent") has been issued license number 002214 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. In or about 1992 through and including 1997, respondent maintained a funeral home with unsanitary conditions and engaged in questionable billing practices.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including, but not limited to:
  - a. §20-227(2);
  - b. §20-227(4); and/or,
  - c. §20-227(5).

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, and 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, 19a-14 and 20-227 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 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 shall pay a civil penalty of five thousand dollars (\$5,000.00), payable in four equal installments of one thousand two hundred and fifty dollars (\$1,250.00). The first installment shall be due at the time respondent submits this executed Consent Order to the Department. Thereafter, the remaining three installments shall be due on the tenth business day of every fourth month. The civil penalty shall be paid by certified or cashier's check payable to "Treasurer, State of Connecticut." Each check shall reference Petition Number 970731-030-004 on the face of the check, and shall be payable in addition to any civil fines imposed pursuant to Petition Number 970731-056-001.
3. Respondent's license shall be suspended for a period of three months with said suspension immediately stayed.
4. All correspondence and civil penalties are to be addressed to:  

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
Division of Health Systems Regulation  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308
5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.

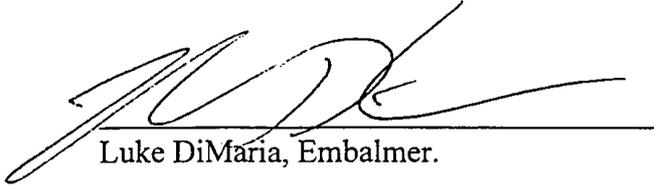
7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
  - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
  - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
  - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
  - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
  - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent violates any term of this Consent Order within the three month suspension period, respondent agrees immediately to refrain from practicing as an embalmer, upon request by the Department, with notice to the Board for a period not to exceed forty-five (45) days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said forty-

five (45) day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
10. In the event respondent is not employed as an embalmer for periods of thirty (30) consecutive days or longer, or is employed as an embalmer less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
12. 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.
13. 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.

14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. 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.
16. 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.
17. 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.
18. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
19. Respondent has the right to consult with an attorney prior to signing this document.

I, Luke DiMaria, Embalmer, 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.

  
Luke DiMaria, Embalmer.

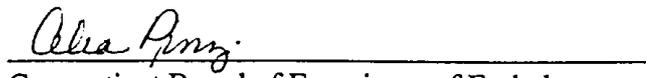
Subscribed and sworn to before me this 17th day of February, 1999.

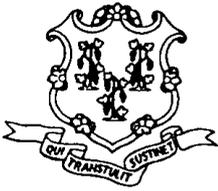
  
Notary Public or person authorized  
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 22<sup>nd</sup> day of February 1999, it is hereby accepted.

  
Cynthia Denne, Director  
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners of Embalmers and Funeral Directors on the 18 day of March 1999, it is hereby ordered and accepted.

  
Connecticut Board of Examiners of Embalmers  
and Funeral Directors



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 5, 1999

Luke DiMaria  
511 Brook Street  
Rocky Hill, CT 06067-3626

Re: Consent Order  
Petition No. 970731-030-004  
License No. 002214  
Date of Birth: [REDACTED]

Dear Mr. DiMaria:

Please be advised that the terms of the above-referenced Consent Order have been satisfied, effective August 1, 1999.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions on License No. 002214 related to the above-referenced Consent Order.

Sincerely,

Richard Goldman  
Paralegal Specialist II  
Division of Health Systems Regulation

cc: Debra Tomassone, PHSM  
Bonnie Pinkerton, RNC



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12HSR  
P.O. Box 340308 Hartford, CT 06134  
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