

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

In re: Shaun McCarthy, Embalmer

Petition No. 991004-030-010

**CONSENT ORDER**

WHEREAS, Shaun McCarthy of Lebanon (hereinafter "respondent") has been issued license number 002404 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, respondent admits that:

1. During January 1999 respondent was employed as an embalmer by Church and Allen Funeral Home, Montville, Connecticut (hereinafter the "Church and Allen"). Swan Funeral Home (hereinafter "Swan") is located in Clinton, Connecticut.
2. On or about January 27, 1999 respondent was assigned to transport the remains of F.F. from Swan to Church and Allen. Respondent transported an unembalmed body with paperwork for F.F. on top of the remains. But the identifying tag on the remains listed the name of C.H. Respondent returned to Church and Allen with the remains of C.H., not the remains of F.F.
3. Previously, C.H.'s family requested cremation after embalming. Respondent casketed the remains of C.H. in F.F.'s casket with F.F.'s clothing.

4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-227, including, but not limited to §20-227(4).

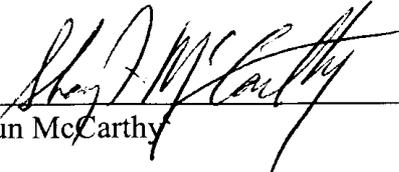
WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 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 002404 to practice as an embalmer in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) 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. Respondent shall pay all costs necessary to comply with this Consent Order.
6. 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.

7. 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.
8. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any 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.
9. 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.
10. 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.
11. 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.
12. Respondent has the right to consult with an attorney prior to signing this document.

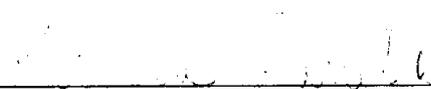
I, Shaun McCarthy, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
\_\_\_\_\_  
Shaun McCarthy

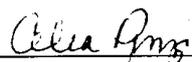
Subscribed and sworn to before me this 24<sup>TH</sup> day of FEB. 2000.

\_\_\_\_\_  
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 \_\_\_\_\_ day of \_\_\_\_\_ 2000, 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 Connecticut Board of Examiners of Embalmers and Funeral Directors on the 8 day of June 2000, it is hereby ordered and accepted.

  
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Connecticut Board of Examiners  
of Embalmers and Funeral Directors