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Florida man at center of corpse mystery eluded investigators

Posted: April 11, 2002 10:23 PM

MIAMI (AP) — Joseph Damiano became known as the "Body Baron of Broward County" for the business he built transporting and cremating corpses. But investigators, plaintiffs' lawyers and others have come to suspect he made his fortune through a rich and sometimes ghastly variety of shady practices.

Damiano, 65, was arrested last week on charges of running an illegal crematorium. And state investigators are looking into allegations he rented out bodies for embalming by mortuary students without families' permission.

"He's been busted for everything in God's earth and got away with it," said Owen Day, a crematory manager in Fort Lauderdale who has known Damiano more than 20 years. "What makes him tick is greed and a lack of caring."

Damiano was snared in a state sweep of crematoriums that was prompted by the discovery in February of hundreds of discarded corpses around a crematory in Georgia. He was charged with operating an incinerator without a license. Separately, he is also charged with trying to open a crematorium under a false name.

Ed Griffiths, spokesman for the Miami-Dade County prosecutor's office, would not discuss the case.

Damiano's business had been fined by the state before, and he has avoided paying multimillion-dollar judgments to families who charged that he mishandled their loved ones' remains.

Former employees complained that ashes were frequently mingled and others were scattered in a parking lot when family members had requested they be cast into the sea, said Shirin Vesely, a lawyer who sued one of Damiano's companies in the 1990s.

Damiano paid only a small fraction of a \$33.5 million judgment awarded to a family whose mother's cremated remains were lost, lawyer Web Brennan said. And attorney Joseph L. Saunders said he has been trying to collect on a \$5.5 million judgment he won in 1998 against a Damiano company that mishandled the remains of a 5-month-old girl.

Damiano and his family have repeatedly declined to comment. His lawyer, Joel Kaplan, did not return repeated calls.

But during a videotaped deposition in 1996, Damiano donned dark sunglasses and defended his practices in a lawsuit that accused him of losing a woman's ashes.

"Believe me, if we were doing something wrong it would have made Metro Goldwyn Mayer with film, trust me," Damiano said.

On Tuesday, state regulators stripped him of two licenses for the removal and cremation of bodies. But those who have followed Damiano's activities wonder why it has taken so long for the state to discipline him.

The Department of Business and Professional Regulation refused to comment.

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Investigators and plaintiffs' lawyers say Damiano skirted state laws regulating the disposal of bodies by opening several crematoriums and body-transport companies under the names of family members and associates to avoid paying court judgments.

Damiano opened Professional Transport Systems Inc. in 1977 and monopolized the body-transport market in South Florida until the late 1990s, winning numerous accounts with funeral homes and landing contracts worth hundreds of thousands of dollars a year with Broward and Miami-Dade counties' medical examiners. He lost those contracts in recent years after allegations surfaced that he was mishandling bodies.

"His workers were caught stealing jewelry off of dead bodies," said Tim Steinkamp, whose company took over several of Damiano's contracts. "He was also stacking the bodies, without stretchers or bags, in the vans. He was carrying them around like luggage."

A lawsuit filed March 28 implicates him in an illicit scheme to supply bodies to Lynn University for embalming by mortuary students. Jeffrey Post brought the lawsuit, alleging his wife's body was taken to an embalming class at the school without his knowledge. The lawsuit claims as many as 600 bodies were similarly used.

The lawsuit names the university and funeral home Levitt-Weinstein, but not Damiano, as defendants. Post's lawyer, David Charip, said he did not want to draw his clients "into the morass of litigations against Damiano."

The university paid Damiano's company \$110 for each body delivered to the school, according to the lawsuit. Officials at the university said in a statement last week that it "acted in good faith" and was conducting its own review. The school said Thursday it has suspended its embalming classes.

The funeral home has said Damiano's company took the body of Post's wife to the university without its knowledge.

John Muller, the owner of an automobile transport company, said Damiano still owes him \$380 for the transport of two hearses from Pennsylvania in the late 1970s. When he tried to collect, he said, Damiano asked, "What are you going to do?"

"I said what goes around comes around. I hope you have as much bad luck as you can possibly wish for," Muller said. "And he has — but unfortunately it hasn't kept him out of business."

Associated Press Writer Ken Thomas contributed to this report.

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000211

GONE BUT NOT FORGOTTEN



MICHAEL McELROY Sun-Sentinel

Holding a picture of his wife, Madeline, Jeffrey Post stands near his North Lauderdale office. Madeline was supposed to have been cremated, but her body apparently was used by Lynn University mortuary students to practice embalming, a serious violation of Post's religious beliefs. Post has filed a lawsuit against the Boca Raton university and the funeral home that made the arrangements.

Man embroiled in corpse case had history of fines, lawsuits

By Tai Abbady
The Associated Press

MIAMI — Joseph Damiano became known as the "Body Baron of Broward County" for the business he built transporting and cremating corpses. But investigators, plaintiffs' lawyers and others have come to suspect he made his fortune through a rich and sometimes ghastly variety of shady practices.

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And Damiano paid only a small fraction of a \$33.5 million judgment, awarded to a family whose mother's cremated remains were lost, lawyer Web Brennan said.

Damiano and his family have repeatedly declined to comment. But during a videotaped deposition in 1996, Damiano donned dark sunglasses and defended his practices.

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Damiano opened Professional Transport Systems in 1977 and monopolized the body-transport market in South Florida until the late 1990s.

A lawsuit filed March 28 implicates him in an illicit scheme to supply bodies to Lynn University for embalming by mortuary students. Jeffrey Post brought the lawsuit, alleging his wife's body was taken to an embalming class at the school without his knowledge. The lawsuit claims as many as 600 bodies were similarly used.

The lawsuit names the university and funeral home, Levitt-Weinstein, but not Damiano, as defendants. Post's lawyer, David Charlip, said he did not want to draw his clients "into the morass of litigations against Damiano."

The university paid Damiano's company \$110 for each body delivered to the school, according to the lawsuit. Officials at the university said in a statement last week that it "acted in good faith" and was conducting its own review. The school said Thursday it has suspended its embalming classes.

University halts embalming classes in wake of scandal

The Associated Press

BOCA RATON — Lynn University said Thursday it has suspended its embalming classes amid a growing scandal over students embalming bodies without the families' permission.

Donald Ross, Lynn's president, said the school's faculty and students were victims of a body transport company owned by Joseph Damiano.

One widower has sued the school and a funeral home, claiming his wife's body was embalmed by the school's mortuary science students without his knowledge.

The liberal arts school has 35 students in its Funeral Service Program, out of an enrollment of about 2,000 students.

Ross said Damiano's company brought the school 90 bodies between 1998 and 2001 for use in its mortuary classes. He said Damiano represented that all the bodies were of indigents and were supplied by the Miami-Dade County Medical Examiner.

"We are educating young people to help others in their hour of greatest need," Ross said.

Joel Kaplan, Damiano's attorney, has not returned repeated calls seeking comment.

Officials from the medical examiner's office said Thursday that they had never had any agreement, spoken or written, to provide bodies to Lynn.



Damiano

School deflects blame in embalming scandal

Lynn University's president said Joseph Damiano and his company are at fault.

By MITCH LIPKA
FLORIDA CORRESPONDENT

BOCA RATON — Lynn University President Donald Ross portrayed his school as a victim Thursday, saying members of the school's funeral-services program thought they were getting the bodies of indigents from Miami-Dade County to use in embalming classes — not

people whose families had paid for funeral arrangements.

Lynn did not have the required written consents to embalm even supposedly indigent people. Instead, Ross said, the funeral program relied on the word of Joseph Damiano, 65, owner of the company that collected money from the school to fetch the bodies, that he had the proper paperwork.

Family members of those whose bodies were delivered to Lynn by Damiano's Professional Transport Systems and then embalmed have said they did



Disagree.
Lynn's Donald Ross (top) said bodies from Joseph Damiano were seen as legitimate.



PLEASE SEE EMBALM, B4

Students must learn without bodies in funeral-services classes

EMBALM FROM B1

not know the bodies would be used for classroom work.

Lynn's funeral-services program has temporarily suspended the use of bodies in class, Ross said Thursday. Ross' statement was the university's first public response to a growing nationwide scandal — now including his school — over how the dead are treated. His comments came two weeks after a widower whose wife was embalmed in a Lynn class filed a lawsuit saying he never gave consent.

"The families and the Lynn University community, faculty, staff and students — all victims of the actions of one firm that, unlike the university, did not act in good faith," Ross said. "We trusted a company that was licensed in the state of Florida and regulated by Miami-Dade County to transport the bodies of indigent people."

Damiano lost that contract in April 2001. Neither he nor his attorney has commented on the allegations, which culminated in his arrest last week on a misdemeanor charge of running a mortuary without a license.

Damiano faces felony charges stemming from a 2001 arrest in which he is accused of lying on a license application. Ross acknowledged the school had no written contact with Fort Lauderdale Professional Transport Systems or Damiano. Ross

said Lynn paid Damiano's firm transport fees of \$110 apiece for 90 bodies between the fall of 1998 and February 2001, when the school learned the bodies were not legally obtained.

The attorney who filed the lawsuit against the school said the university's position and its unwritten relationship with Damiano is legally shaky.

"If you're talking about theological matters, it's OK to go on faith," attorney David Charlip said. "Once you leave the field of theology, it doesn't hold water in today's society. Their position is pretty much indefensible."

In November, an investigator with the Florida Department of Business and Professional Regulation wrote in a report that the university had not answered all the questions that needed to be resolved, including the school's connection with Damiano. Both Ross and attorney Stephen Schwed contended Lynn had been completely cooperative.

Lonnie Parizek, spokeswoman for the Department of Business and Professional Regulation, said Lynn provided the state with a number of documents in response to a subpoena. "But nothing addresses when or how the relationship [with Damiano] was initiated," she said.

Mitch Lipka is a business reporter for the South Florida Sun-Sentinel, a Tribune Publishing newspaper.

Broward man at center of corpse mystery

By TAL ABBADY
The Associated Press

MIAMI
Joseph Damiano became known as the "Body Barron of Broward County" for the business he built transporting and cremating corpses. But investigators, plaintiffs lawyers and others have come to suspect he made his fortune through a rich and sometimes glibly variety of shady practices.

Damiano, 65, was arrested last week on charges of running an illegal crematorium. And state investigators are looking into allegations he rented out bodies for embalming by mortuary students without families' permission.

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Damiano was snared in a state sweep of crematoriums that was prompted by the discovery in Please see **CORPSE, M**

CORPSE

Continued from A3

Reburial of hundreds of discarded corpses around a crematory in Georgia. He was charged with operating an incinerator without a license. Separately, he is also charged with trying to open a crematorium under a false name.

Ed Griffiths spokesman for the Miami-Dade County prosecutor's office, would not discuss the case. Damiano's business had been fined by the state before, and he has avoided paying multimillion-dollar judgments to families who charged that he mishandled their loved ones' remains.

Former employees complained that ashes were frequently mingled and others were scattered in a parking lot when family members had requested they be cast into the sea, said Sharon Vesely, a lawyer who sued one of Damiano's companies in the 1990s.

Damiano paid only a small fraction of a \$53.5 million judgment awarded to a family whose mother's cremated remains were lost, lawyer Web Berman said. And attorney Joseph I. Saunders said he has been trying to collect on a \$5.5 million judgment he won in 1998 against a Damiano company that mishandled the remains of a 5-month-old girl.

Damiano and his family have repeatedly declined to comment. His lawyer, Joel Kaplan, did not return repeated calls.

But during a videotaped deposition in 1996, Damiano denied dark sunglasses and defended his practices in a lawsuit that accused

him of losing a woman's ashes.

"Believe me, if we were doing something wrong it would have made Marco Goldwyn Mayer with him, trust me," Damiano said.

On Tuesday, state regulators stripped him of two licenses for the removal and cremation of bodies. But those who have followed Damiano's activities wonder why it has taken so long for the state to discipline him.

The Department of Business and Professional Regulation refused to comment.

Investigators and plaintiffs lawyers say Damiano skirted state laws regulating the disposal of bodies by opening several crematoriums and body-transport companies under the names of family members and associates to avoid paying court judgments.

Damiano opened Professional Transport Systems Inc. in 1977 and monopolized the body-transport market in South Florida until the late 1990s, winning numerous accounts with funeral homes and landing contracts worth hundreds of thousands of dollars a year with Broward and Miami-Dade counties' medical examiners. He lost those contracts in recent years after allegations surfaced that he was mishandling bodies.

"His workers were caught stealing jewelry off of dead bodies," said Tim Steinkamp, whose company took over several of Damiano's contracts. "He was also stacking the bodies, without stretchers or bags, in the vans. He was carrying them around like luggage."
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cares him in an illicit scheme to supply bodies to Lynn University for embalming by mortuary students. Jeffrey Post brought the lawsuit, alleging his wife's body was taken to an embalming class at the school without his knowledge. The lawsuit claims as many as 600 bodies were similarly used.

The lawsuit names the university and funeral home Lettici Weinstein, but not Damiano, as defendants. Post's lawyer, David Charlip, said he did not want to draw his clients "into the morass of litigation against Damiano."
The university paid Damiano's company \$110 for each body delivered to the school, according to the lawsuit. Officials at the university said in a statement last week that it "acted in good faith" and was conducting its own review. The school said Thursday it has suspended its embalming classes.

The funeral home has said Damiano's company took the body of Post's wife to the university without its knowledge.

John Mulley the owner of an automobile transport company said Damiano still owes him \$380 for the transport of two hearses from Pennsylvania in the late 1970s. When he tried to collect, he said, Damiano asked, "What are you going to do?"

"I said what goes around comes around. I hope you have as much bad luck as you can possibly wish for," Mulley said. "And he has — but unfortunately it hasn't kept him out of business."

Associated Press Writer Ken Thomas contributed to this report.



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NEW YORK TIMES

NEW YORK
DAILY-2 MILLION
APRIL 12, 2002

University ¹²³⁵ Denies Fault In Embalmings

By DANA CANEDY

MIAMI, April 11 — Lynn University defended itself today against accusations that students in its funeral service program had used bodies without proper authorization to practice embalming.

The university, in Boca Raton, had been virtually silent on the matter until today, when it said it had acted in good faith in accepting bodies from Professional Transport Systems, a Fort Lauderdale company owned by Joseph Damiano, who lost his operating license this week. The university said it had received 90 bodies from the company from October 1998 to the end of February 2001.

University officials said Mr. Damiano, who could not be reached for comment, had led them to believe that all the bodies delivered for use in classes had been those of indigent people. The officials said they were still trying to determine how many actually were.

"The university respectfully embalmed the bodies in the belief that it had appropriate authorization to do so," Donald Ross, the university's president, said.

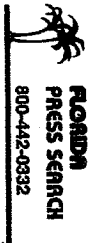
The university also said that contrary to a Florida Department of Business and Professional Regulation report it had cooperated with the authorities in an investigation and would continue to do so. A spokeswoman for the state agency said that while the university had provided requested documents it had not provided all pertinent information.

"The documents and letter they provided did not address the one remaining question, which is how the relationship between Professional Transport and the university was initiated," said Lonnie Parizek, an agency spokeswoman.

The controversy began last week when a North Lauderdale man, Jeffrey Post, sued the university, contending that after his wife, Madeline, died of cancer in November 2000 the university had used his wife's body without consent for students to practice embalming. The family said it had explicitly instructed the funeral home that Ms. Post was not to be embalmed because it violated her faith.

David Charlip, the lawyer representing Mr. Post, said the university's claim that it had no responsibility in the improper embalming was disingenuous.

"The state requires authorization, they didn't have authorization," Mr. Charlip said. "They relied on a guy who is known in the industry as a problem."



JACKSON COUNTY
FLORIDAN
MARIANNA
DAILY - 6,500
APRIL 12, 2002

Florida man at center of corpse mystery eluded investigators

By TAL ABBADY
Associated Press Writer

MIAMI — Joseph Damiano became known as the "Body Baron of Broward County" for the business he built transporting and cremating corpses. But investigators, plaintiffs' lawyers and others have come to suspect he made his fortune through a rich and sometimes ghastly variety of shady practices.

Damiano, 55, was arrested last week on charges of running an illegal crematorium. Aml state investigators are looking into allegations he rented out bodies for embalming by mortuary students without families' permission.

"He's been busted for everything in God's earth and got away with it," said Owen Day, secretary-manager in Fort Lauderdale who has known Damiano more than 20 years. "When makes him tick is greed and a lack of caring."

Damiano was named in a state sweep of crematoriums that was prompted by the discovery in February of hundreds of discarded corpses around a crematory in Georgia. He was charged with operating an incinerator without a license. Separately, he is also charged with trying to open a crematorium under a false name. Ed Griffiths, spokesman for the Miami-Dade County prosecutor's office, would not discuss the case.

Damiano's business had been fined by the state before, and he has avoided paying multimillion-dollar judgments to families who charged that he mishandled their loved ones' remains.

Former employees complained that ashes were frequently mingled and others were scattered in a parking lot when family members had requested they be cast into the sea, said Shrin Vessely, a lawyer who sued one of Damiano's companies in the 1990s.

Damiano paid only a small fraction of a \$33.5 million judgment awarded to a family whose mother's cremated remains were lost, lawyer Web Brennan said. And attorney Joseph L. Saunders said he has been trying to collect on a \$5.5 million judgment he won in 1998 against a Damiano company that mishandled the remains of a 5-month-old girl.

Damiano and his family have repeatedly declined to comment. His lawyer, Joel Kaplan, did not return repeated calls.

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"Believe me, if we were doing something wrong it would have made Metro Goldwyn Mayer with him, trust me," Damiano said.

On Tuesday, state regulators stripped him of two licenses for the removal and cremation of

bodies. But those who have followed Damiano's activities wonder why it has taken so long for the state to discipline him.

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"His workers were caught stealing jewelry off of dead bodies," said Tim Steinkamp, whose company took over several of Damiano's contracts. He was also stacking the bodies, without stretchers or bags, in the vans. He was carrying them around like luggage."

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BOCA RATON
NEWS

BOCA RATON
DAILY - 25,000
APRIL 13, 2002

Hearing delayed on Lynn embalming logbook

THE ASSOCIATED PRESS

FORT LAUDERDALE — Attorneys postponed a hearing Friday that could have produced a Lynn University logbook, listing bodies embalmed by the school's mortuary science students, possibly without their relatives' permission.

The hearing into a lawsuit

filed against the private Boca Raton university by a man whose wife's body was embalmed by Lynn students without his permission was postponed until April 24.

David Charlip, widower Jeffrey Post's lawyer, said he agreed to a university request to delay the hearing, but accused Lynn officials of stalling.

"They're dragging their heels giving us the log books and raising privacy concerns that won't hold water," Charlip said.

Stephen Schwed, Lynn's lawyer, insisted the privacy of those listed in the logbook was the university's major concern.

"There are family members who could be hurt by the mere mention of a name in that log-

book. We need to protect people who don't want their names out there," Schwed said.

Lynn suspended its embalming classes this week after learning that a body transportation company had been bringing it corpses for embalming allegedly without the permission of the dead people's relatives.

Lynn paid the company for each body it brought.

Joseph Damiano, the transportation company's owner, was arrested last week on charges of running an illegal crematorium, and state investigators are looking into allegations he brought bodies to Lynn without permission.

Lynn U. Program faces new scrutiny

An accrediting group for funeral programs asks to review a pact for providing bodies.

By Clay Lambert
Palm Beach Post Staff Writer

BOCA RATON — The American Board of Funeral Service Education wants to see Lynn University's contracts with a company that provided bodies for embalming.

The director of the accrediting organization said Friday the school's credentials hang in the balance.

Losing accreditation could be devastating for the 35 students enrolled in the school's funeral services program and a blow to the future of the degree track.

"They can still have a program but their students can't take the national board exam if the program isn't accredited, and some states won't allow you to work without taking the exam," said George Connick, executive director for the board.

Florida requires students to take that exam. Anyone seeking a state embalming license must score at least 75 percent on the Funeral Services Science section of the test.

Connick emphasized that it is premature to speak of pulling accreditation if the board is unsatisfied with the response to its letter requesting copies of the university's contract with Professional Transport Systems, the next step would be to send a team to examine records at the school.

A Lynn University spokesman said he was unable to determine Friday whether Connick's letter had arrived.

The controversy involving Lynn became public on April 1 when Jeffrey Post of North Lauderdale filed a lawsuit in Broward County Circuit Court against Lynn University, Levine Center Memorial Chapel, Ben David Memorial Chapel Inc. and other unnamed funeral homes. The lawsuit said bodies were embalmed at the university without the consent of relatives and accuses the university and Levine Center of engaging in a civil conspiracy.

On Thursday, Lynn University President Donald Ross blamed Joseph Damiano, president of Professional Transport Systems, Inc., for the problems.

Please see LYNN UNIVERSITY, A14

Need for embalming license to be key issue

LYNN UNIVERSITY

From 1A

Ross said Damiano misrepresents as independent about 90 bodies sent to the university over a period of more than two years.

Earlier this week, Damiano was stripped of two licenses to transport and cremate bodies. He also is charged with 19 counts of running an unlicensed business. The charges resulted from a state probe into crematory problems in Miami-Dade County.

On Friday, a judge in Fort Lauderdale postponed a scheduled hearing in the lawsuit lodged against Lynn. Attorney David Chabins, who represents Post, had asked Broward County Circuit Judge Leonard Shalton to require the school to produce documents related to the embalming 193 at the school. Chabins and attorneys for the school agreed to put off the motion until April 24.

Some of those same documents may prove crucial to determining whether Lynn can

LYNN UNIVERSITY

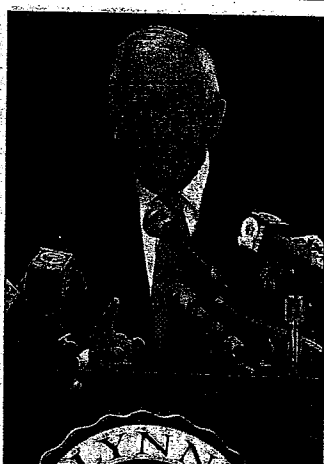
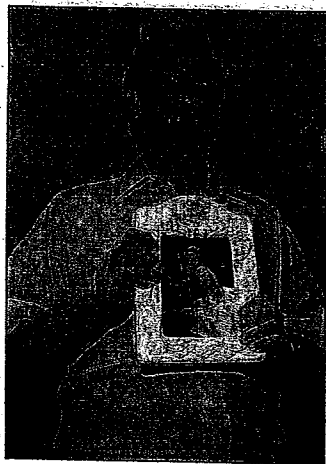
keep accreditation it has held for at least seven years, Connick said. One particular area of interest: Whether the school heeds an embalming license.

Lynn, 60-billed its first 2000, seven years after the state began to require such permits. It is

Thursday addresses by Ross said the school was exempt from state licensing demands because its motives were educational rather than profit-driven. State law says

professionally exempt medical schools but doesn't speak to funeral programs such as Lynn's. "The institution must have properly executed contracts," Connick said. "And we would expect that our schools would meet whatever state laws that exist."

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Jeffrey Post, left, holds a picture of his wife, Madeline, who was supposed to be cremated. Instead, her body ended up at Lynn University. The school's president, Donald E. Ross, right, said Lynn was victimized by body transport company owner Joseph Damiano.

Allegations growing against 'Body Baron'

■ The crematory operator faces criminal charges, a lawsuit and regulatory action.

Associated Press

MIAMI — Joseph Damiano became known as the "Body Baron of Broward County" for the business he built transporting and cremating corpses. But investigators, plaintiffs' lawyers and others now are alleging that he made his fortune through a variety of shady practices.

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"He's been busted for everything in God's earth and got away with it," said Owen Day, a crematory manager in Fort Lauderdale who has known Damiano for years. "What makes him tick is greed and a lack of caring."

Damiano was arrested as the state took a closer look at crematoriums, prompted by the discovery in February of hundreds of corpses around a Georgia crematory. He was charged with operating an incinerator without a license. Separately, he is charged with trying to open a crematorium under a false name.

Ed Griffiths, a spokesman for the Miami-Dade County prosecutor's office, **Damiano** would not discuss the case.

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"His workers were caught stealing jewelry off of dead bodies," said Tim Steinkamp, whose company took over several of Damiano's contracts. "He was also stacking the bodies, without stretchers or bags, in the vans."

A lawsuit filed March 28 implicates him in a scheme to supply bodies to Lynn University in Boca Raton for embalming by mortuary students. Jeffrey Post alleged that his wife's body was taken to an embalming class at the school without his knowledge. The lawsuit claims as many as 600 bodies were similarly used.

The lawsuit names the university and funeral home Levitt-Weinstein, but not Damiano, as defendants. Post's lawyer, David Charlip, said he did not want to draw his clients "into the morass of litigations against Damiano."

The university paid Damiano's company \$110 for each body delivered, according to the lawsuit.

Officials at the university said in a statement last week that it was conducting its own review. On Thursday the school said it has suspended its embalming classes.

At a news conference, Dr. Donald Ross, Lynn's president, said "faculty and students are all victims of the actions of one firm that did not act in good faith."

Ross said Damiano's company brought the school 90 bodies between 1998 and 2001 for use in its mortuary classes, and Damiano represented that all the bodies were of indigents supplied by the Miami-Dade County Medical Examiner.

The funeral home has said Damiano's company took the body of Mrs. Post to the university without its knowledge.

Crematory operator stays a survivor

DAMIANO
CONTINUED FROM PAGE 1A

livelihood rescinded — after a decade of successfully skirting court judgments and the state agency assigned to police the funeral business.

Some of his critics wonder how he has persevered so long in the industry.

Others say Damiano's odyssey through Florida's funeral-related regulatory system is a lesson in the limits of the Florida Department of Business and Professional Regulation. It has shown that with low prices, a good lawyer and enough friends and relatives to take his spot on a funeral license, even the most vilified of businessmen can survive in Florida's death industry.

"The way the regulation system is set up in Florida in the funeral industry... it lacks the teeth and the investigative control to keep someone like Damiano — who is determined to stay in business — out of business," said attorney David Charlip.

Charlip is suing Levitt-Weinstein Funeral Home and Lynn University on behalf of Jeffrey Post, who says the body of his wife, Madeline, was taken to Lynn without his permission to train embalming students. The state Board of Funeral Directors and Embalmers has filed complaints against Damiano's company in two such cases.

"They fine you, you pay the fine, and it happens again," said Tim Steinkamp, whose Broward Removal Service has been Damiano's fiercest competitor in the funeral transport business.

Damiano has been licensed at various times to transport, refrigerate and cremate bodies through his main company, Professional Transport Services, and a number of crematories under Cremation Services International. He has lost licenses, only to replace his name with family members' or employees', at least once with-

out the person's knowledge, authorities said.

Damiano now faces two criminal cases. One accuses him of forging an employee's signature on ownership papers for Cremation Care Inc. in Miami, and is set for trial next month in Miami-Dade County Circuit Court. The other accuses him of operating that same crematory — as Oakwood Crematory — without a license when his daughter ran into licensing problems of her own.

Ken Roberson, of Port Charlotte, a funeral director who chairs the Florida Board of Funeral Directors and Embalmers, said keeping track of Damiano and all his incursions is frustrating and difficult for his board.

In August 2001, Roberson publicly called for the attorney general's statewide prosecutor to investigate Damiano, "so they can finally put a stop to this."

"It's a major concern of the board and the department," he said of Damiano's staying power.

CHARGES DENIED

In an interview Friday, Damiano said last week's events were just the latest installment in a series of lies, misunderstandings and a rival's campaign to destroy him.

"That's all BS," Damiano said in a blanket denial of accusations that he illegally diverted corpses to Lynn University, forged a crematory license application, burned bodies without a license and misplaced ashes at one of his operations in Manatee County.

He said he is a victim of state regulatory confusion and mistakes.

"The state capitol, they do a great job, but let me tell you, the right hand doesn't know what the left hand is doing," Damiano said.

Controversy has been Damiano's familiar companion throughout his history in South Florida, which began when he started carting bodies for

Broward and Miami-Dade funeral homes in 1982. After building a body-hauling business that covered six counties, Damiano began running into problems in the 1980s.

In 1985, he was arrested and charged with theft for failing to return rented vehicles. About the same time, he began cooperating with the Broward Sheriff's Office after South Florida's Colombo crime family boss, Joseph "Joey Flowers" Rotunno, came looking for a loan Damiano had taken out from Rotunno's brother, Donald Paul Rotunno: Damiano's undercover work led to Joseph Rotunno's conviction on loan-sharking charges.

In 1991, a Damiano employee was arrested for stealing jewelry from a corpse, and the Broward County Commission heard reports of tracking bodies in rented vans. In 1992, neighbors of his crematory, run out of a commercial garage in Fort Lauderdale, defeated his proposal to expand his operation: He lost a contract with the Broward Medical Examiner's Office in 1993.

But trouble started in earnest for Joe Damiano in 1995, when a former employee took a hidden camera into Damiano's Palmetto Crematory. An employee "bragged" about chucking ashes in the parking lot and a nearby canal, and of padding infants' ashes with others to make them seem more substantial.

A Tampa television station broadcast the outrage for all to see, and three lawsuits resulted. In April 1998, Heather Smith won a \$5.5 million judgment against Damiano's Cremation Systems International for losing the ashes of her infant daughter. A month later, Howard Read won a \$33.5 million judgment for his mother's lost ashes. Damiano didn't show up to defend himself. A third plaintiff gave up after the previous two found they couldn't collect a dime from Damiano.

In November of that year, Damiano submitted an application for a Miami incinerator called Cremation Care, bearing the signature of Wilson Lopez, an employee. Lopez would later tell investigators he never signed that document.

Also in 1998, Professional Transport Services began taking bodies to Lynn University's school of mortuary science. That practice continued until February 2001, when two local funeral homes discovered that the bodies of Madeline Post, of North Lauderdale, and Ruth Field, of Bal Harbour, had been used to train embalming students at Lynn without the families' permission.

At least 12 families whose relatives were embalmed at Lynn between November 2000 and February 2001, told the Sun-Sentinel they hadn't authorized embalming. University President Donald Ross said last week that the funeral program "fell on Damiano's sword that he had proper written consents."

In May 1999, Damiano went before the Board of Funeral Directors and Embalmers and requested a license for Cremation Services International. After his attorneys pointed out that the board had never taken disciplinary action against the company, his application was approved, according to minutes of the meeting.

LICENSE PROBLEMS

The past year has been a bad one for Damiano. State agents arrested him in March 2001, charging him with obtaining a license through fraud by falsifying Wilson Lopez's signature. He also lost his contract with the Miami-Dade County medical examiner.

In August, his son, Anthony, pleaded guilty to operating without a license for his three cremation businesses. He was sentenced to a year's house arrest and three years' probation. The Board of Funeral Directors banned him from the funeral business for 10 years.

Also in August, the board, acting on the damning judgments against Joe Damiano in Tampa, fined him the maximum \$5,000 on each of two counts and suspended the license of Professional Transport Services until Damiano paid his fines and costs.

It was the next-to-last meeting for Edmund Sullivan, a consumer representative on the Board of Funeral Directors. Securities dealer Sullivan said he left the board because of time constraints, but he also said he was frustrated by its lack of enforcement power.

"We were hamstrung in that when people really deserved it, we couldn't give them what they deserved," he said. "In [the securities] business, when they're thrown out, it's forever. In this business, that's not the case."

At the time of the August meeting, Damiano had negotiated a settlement with Howard and Patricia Read for a fraction of the \$33 million judgment: Web Brennan, the Reads' attorney, said they wanted to get the case over with.

But the Funeral Board never told the Reads that Damiano couldn't get his license back until he had satisfied his judgments, according to Brennan: The Reads never would have settled if they thought that would keep Damiano out of the funeral business, he said.

"We got snookered," Brennan said. "The lawyer never told us... Had they let us aid them in their agreements, we would have been able to help ensure the safety of the citizens of the state of Florida."

Around the time of Joseph Damiano's arrest in March 2001, Cremation Care reopened as Oakwood Cremation Service, with one of Damiano's former employees, Bobby L. Steele Jr., listed as the owner, according to state officials. Damiano's daughter, Yolanda Damiano, was listed as the licensed direct disposer.

But soon Steele notified the state that he was no longer af-

filiated with Oakwood, and the application was submitted under the name of another Damiano employee, Deogracio Maldonado.

The application was held up because Yolanda Damiano, who works for the Broward Sheriff's Office, had a pending civil complaint against her for unlicensed crematory operation, said Pat Parker, a Department of Business and Professional Regulation spokeswoman. Thus Oakwood was unlicensed when investigators found Joseph Damiano there on April 5.

'HELL BE BACK'

Damiano says he can trace most of his problems in South Florida to a competitor in the cremation and transport business, Allan & Shaw Cremations of Opa-Locka. Owner Vert Shaw has dogged Damiano at Funeral Board meetings and called for action against him.

"If you look at what this company and the owners have done, they do not belong in the business or the state. He has no compassion or respect for the law," Shaw said at the August 2001 meeting of the Board of Funeral Directors, according to the minutes.

Told about Damiano's comments, Shaw said: "If the evidence wasn't there, he wouldn't be in trouble."

Damiano offered no predictions for his future. "There's nothing I can do — not at this point," he said. "This is the time you find out who your friends are."

Steinkamp, his competitor, said he doesn't expect Damiano to disappear.

"He's been around since I was kid, so I assume he'll be back — in one form or another," Steinkamp said. "As long as you play by the rules, there's room for everybody."

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BY JEFF SHIELDS AND MITCHELL WEAVER
They came and they went, like so many bodies in and out of Joseph Damiano's storage cooler. Complaints, disgruntled workers, complaining customers, outraged hospital administrators, angry state regulators, threats to kick him out of the industry: Even the mob came calling on Joe Damiano's empire in the business of death. He survived them all. On April 5, Damiano, who has

made a 40-year career of hauling, storing and cremating corpses all over Florida, was arrested and charged with running a crematory without a license. Last week, officials at Lynn University, a mortuary school in Boca Raton, accused him of delivering bodies they never should have.

Worst of all for Damiano, he saw the list of his licenses revoked — his

Crematory operator survives despite reams of complaints

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Crematory mogul Damiano loses certification

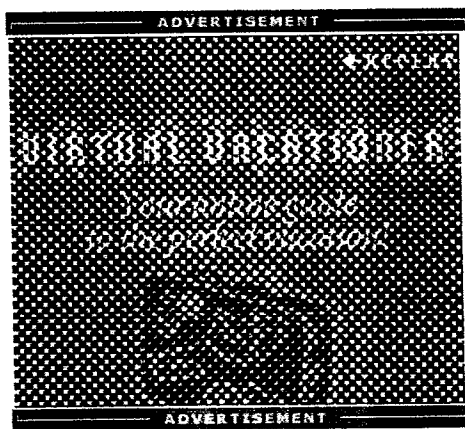
By Terri Somers

Sun-Sentinel

Posted April 11, 2002

The state Board of Funeral Directors and Embalmers revoked one of the licenses of Florida's kingpin of crematoriums, Joseph Damiano, on Wednesday and fined him \$10,000.

The revocation was a disciplinary action stemming from two incidents in 1995, in which Damiano's companies were accused of losing the ashes of a Pinellas County woman. It has nothing to do with the more recent charges that Damiano took bodies to Lynn University where they were embalmed by mortuary students without the permission of the deceased's family and that he operated a crematorium after his license was already suspended.



Disciplinary charges for the more recent incidents have not made their way to the board.

Verl Shaw, a competitor and frequent critic of Damiano, questioned why it took the state so long to discipline Damiano for the 1995 infractions.

"If they had taken his license away five years ago, we might not have seen the problems at Lynn University," Shaw said.

But it was probably all the attention to the Lynn University problems that "turned up the heat" and forced the board to start dealing with some of the oldest charges hanging over Damiano, said David Charlip, the Miami lawyer suing Lynn University and funeral homes on behalf of families whose loved ones were embalmed at the school without consent.

The license revoked on Wednesday was for Professional Transportation Systems Inc., a Fort Lauderdale company that

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Damiano

Apr 9, 2002

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transported bodies of the deceased to funeral homes and crematoriums. This revocation essentially shuts Damiano, 66, out of an industry he has worked in for the past 54 years, his lawyer, Greg Ross, told the board.

Ross noted that the 1995 incident that led to the revocation has been resolved. "To my client's credit, that judgment was in fact settled," he said. Damiano did not attend the hearing in Fort Lauderdale.

Move voids licenses

In April the board stripped Damiano of all his licenses, at least temporarily.

State investigators had gone to the Fort Lauderdale addresses listed on the licenses of Professional Transportation Systems Inc. and AAA Crematorium Emporium, both owned by Damiano, to serve him with legal papers. But the business had moved, which makes the licenses null and void, said Lonnie Parizek, a spokeswoman for the state Department of Business and Professional Regulation.

If they wanted to move the business, they would have had to apply for another license, Parizek said. But that did not happen.

A week later, Damiano was arrested and charged with operating yet another business, Oakwood Cremation Services in Miami, without a license. That charge is still pending.

Damiano has said his alleged lack of a license for that crematorium was the result of a former employee snatching the required certification from the wall.

Before Oakwood was listed as the business at that Miami address, another crematorium, Cremation Care, was there. Damiano was charged with a felony for concealing his interest in that business by listing an employee as the owner. He was allegedly hiding his interest in the business because of the 1995 charges that he lost the ashes of a Palm Harbor woman. The lawsuit that was brought against Damiano for that incident was the basis of Wednesday's disciplinary hearing.

Damiano has 30 days to appeal the revocation. His lawyer said he has not decided whether he will do so.

Shaw, his competitor, said he was doubtful the revocation will drive Damiano into retirement, pointing to his demonstrated ability to keep working despite decades of sanctions and legal woes. And Shaw points out that Damiano's wife, who is also licensed to work in the industry, was not named in the disciplinary action.

She is licensed to run AAA Crematorium Emporium USA, which is slightly different from the AAA Crematorium Emporium Inc. that moved and had its license declared null and void.

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Joseph Damiano is not the only family member with a history of regulatory problems. His son, Anthony, has lost his license to run two businesses. Telephone calls to one of the son's businesses listed in the most recent *Yellow Pages* were answered on Wednesday by a worker from Chapel of Remembrance, a cremation service licensed to Jill Jenkins.

The younger Damiano and Jenkins used to be boyfriend and girlfriend, said John Holland, the man who answered the telephone. Holland said that Chapel of Remembrance bought the telephone lines of the younger Damiano's businesses.

'All kinds of services'

AAA Cremation Emporium, Joseph Damiano's business that has had its license suspended because it was moved without notifying the state, also remains listed in the new *Yellow Pages* with phone numbers in Broward, Palm and Miami-Dade counties. Calls placed Wednesday to all three of these numbers were answered by the same man.

When a reporter asked if this was the number for AAA Crematorium, the man said no, but asked what services the caller needed. When a reporter asked if the telephone number was for a cremation service, the man said no, it was for a company called "Professional Services...all kinds of services." When pressed, the man said the services included the rental of limousines.

He could not explain why all three telephone lines for Crematorium Emporium are linked to his business. And he said he did not know Joseph Damiano.

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APRIL 16, 2002

EMBALMING CASE

School faces board inquiry Lynn University unlikely to lose accreditation

BY KARLA SCHUSTER
EDUCATION WRITER

Lynn University's deal with a company that supplied bodies to its mortuary science program may have violated the standards of an industry accreditation group, but isn't likely to cost the school its national credentials, the group's executive director said on Monday.

"An institution always has a right to bring [its] program back into compliance,"

George Connick, the executive director, said the American Board of Funeral Service Education, prompted by charges that Lynn embalmed bodies without the consent of families, plans to open a formal inquiry into how the school procured the bodies.

Specifically, the board will investigate whether Lynn violated a requirement that schools have a written contract outlining how human remains are supplied and transported for clinical work, Connick said on Monday.

A letter will be sent to the school sometime later this week asking for more information, he said.

Lynn University officials, including President Donald Ross, have said they had no written contract with Joseph Damiano, owner of the compa-

LYNN CONTINUES ON 2B

Lynn University not expected to lose its national accreditation

LYNN

CONTINUED FROM PAGE 1B

ny that supplied bodies to the mortuary science program for \$110 each from the fall of 1998 to February 2001, when the school learned the bodies were not legally obtained.

Ross said last week the school believed Damiano was supplying bodies of indigent people from Miami-Dade County, and relied on his word that he had the proper paperwork to supply the bodies.

"It would appear that one of

our standards is, at least in question here, that they may be out of compliance, but we have no way of knowing that until we get a complete response from Lynn," Connick said.

600 CASES

The process of investigating possible violations of the accrediting board's rules could take months, and the group rarely strips a school of its endorsement.

Usually, a school is first issued a warning, or put on probation, and permitted to correct any problems before the

group would move ahead with pulling a program's accreditation, Connick said.

"It's probably been 10 years since we even put a program on probation or issued a show cause order, which is the last step before we pull accreditation," he said. "An institution always has a right to bring their program back into compliance."

Without accreditation, students cannot sit for a national licensing exam required by the state to work in the funeral service industry in Florida.

Lynn University spokes-

woman Carol Mandel said Monday the school had no comment on the pending inquiry by the accreditation board, which last reviewed and renewed the mortuary science program's credentials in 1999.

Questions about how Lynn University's 20-year-old funeral services program got bodies for students to embalm surfaced earlier this month, when a North Lauderdale man sued the school and a funeral home, accusing them of allowing his wife's body to be embalmed against her Jewish beliefs.

Jeffrey Post and his attor-

ney, David Charlip, say Lynn and Levitt-Weinstein Memorial Chapels did not have his permission to embalm his wife's body before she was cremated. Charlip is seeking to establish a class of up to 600 cases where bodies passed unauthorized through Lynn's program over a four-year period.

ARRESTS

Levitt-Weinstein and Lynn officials blame Damiano's Fort Lauderdale-based company, Professional Transport Services, for taking the bodies for embalming without proper

consent. Professional Transport is the link between five funeral homes and Lynn University.

Last week, state regulators revoked Damiano's license to transport bodies, and he also was arrested on a misdemeanor charge of running a crematory without a license. He was arrested last year on a felony charge of allegedly lying on a license application.

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