

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY

"CERTIFIED TRUE COPY"

NEW JERSEY
CEMETERY BOARD
JAN 10 2002

FILED *[Signature]*

By: Nancy Costello Miller
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

State of New Jersey
Department of Law and Public Safety
Division of Consumer Affairs
Cemetery Board

IN THE MATTER OF

MOUNT PROSPECT CEMETERY

Certificate of Authority
Number 128

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: Administrative Action
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: FINAL ORDER OF
: DISCIPLINE
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:

This matter was opened to the New Jersey Cemetery Board following review of information in the Board's files which resulted in the issuance of a Provisional Order of Discipline regarding the Mount Prospect Cemetery's failure to file reports and to provide proof of payments into the Maintenance and Preservation Fund. Mount Prospect Cemetery responded to the Provisional Order by submitting the delinquent reports and requesting the Board consider the cemetery's financial condition in assessing penalties. The Board has reviewed the cemetery's submission and now makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent, Mount Prospect Cemetery, has held Certificate of Authority Number 128 issued by the Cemetery Board on August 23, 1972 pursuant to N.J.S.A. 8A:3-9. Respondent has been a New Jersey Cemetery Company at all times relevant to this matter and is not a municipality.

2. Pursuant to N.J.S.A. 8A: 4-5, cemetery companies must make certain deposits into the Cemetery's Maintenance and Preservation Fund based on income generated by sales of lots or graves, and deposits based on resales of lots or graves, number of interments, and size of foundations installed.

3. Pursuant to N.J.S.A. 8A:4-12, each cemetery company that is not a municipality must file an annual report with the Board showing the extent and augmentation of the Maintenance and Preservation Fund for its fiscal year not later than 120 days after the close of its fiscal year.

4. A review of the Board's files demonstrates that as of the date of filing of the Provisional Order of Discipline, the last annual Maintenance and Preservation Fund report was filed on May 4, 1992 for fiscal year 1991.

5. Mount Prospect Cemetery has now filed reports for fiscal years 1992 through 1998.

CONCLUSIONS OF LAW

The failure to file an annual reports with the New Jersey Cemetery Board and/or the failure to deposit statutorily required sums into the Maintenance and Preservation Fund provide grounds for discipline pursuant to N.J.S.A. 45:1-21 (h). Respondent has now filed the required reports and has, through its submission, persuaded the Board that the penalty proposed by the Provisional Order of Discipline would pose a hardship to the cemetery in light of its limited income. As such, the Board will modify the penalty to \$100.00.

ACCORDINGLY, IT IS ON THIS 10th DAY OF JANUARY, 2002,

ORDERED that:

1. Mount Prospect Cemetery shall cease and desist from failing to file its annual Maintenance and Preservation Fund report within 120 days of the close of its fiscal year and from failing to make all statutorily required deposits into the Maintenance and Preservation Fund.
2. Mount Prospect Cemetery shall pay a civil penalty of \$100.00, by certified check or money order payable to the State of

New Jersey and forwarded to Susan H. Gartland, Executive Director,
New Jersey Cemetery Board, P.O. Box 45036, Newark, New Jersey,
07101.

NEW JERSEY STATE CEMETERY BOARD

By: 
Frank J. DeGeeter, President

55-760312



PNC Bank, National Association

Money Order

No. 71401191

Date January 24, 2002

Pay to the Order of STATE OF NEW JERSEY

\$ 100.00

One Hundred Dollars

Not valid after \$1000.00

David C. ...
Signature
MOUNT PROSPECT CEMENT CO.

Civil Penalty CA#128

Address

⑈71401191⑈ ⑆031207607⑆ 8010001265⑈

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