



RICHARD J. CODEY
Acting Governor

AUG 04 2005

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey Cemetery Board
124 Halsey Street, 6th Floor, Newark, NJ 07102



PETER C. HARVE
Attorney General

KIMBERLY S. RICKE
Director

"CERTIFIED TRUE COPY"

July 20, 2005

Frank Magda, Treasurer
Woodside Cemetery Association
219 East Madison Avenue
Dumont, New Jersey 07628

Mailing Address
P.O. Box 45036
Newark, NJ 07101
(973) 504-6553

Re: Offer of Settlement In Lieu of Filing a
Formal Complaint

Dear Mr. Magda:

This letter is to advise you that the New Jersey Cemetery Board (hereinafter "the Board") has had an opportunity to review information concerning your position as Treasurer of the Woodside Cemetery Association while holding an active New Jersey State Funeral Director's License.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that your holding the aforesaid positions simultaneously is a violation of the New Jersey Cemetery Act, 2003; specifically, N.J.S.A. 45:27-16(c) which states in pertinent part:

A cemetery company, and any person engaged in the management, operation or control of a cemetery company, directly or indirectly, is specifically prohibited from engaging, directly or indirectly, in any of the following activities:

- (1) the manufacture or sale of memorials;
- (2) the manufacture or sale of private mausoleums;
- (3) the manufacture or sale of vaults, including vaults installed in a grave before or after sale and including vaults joined with each other in ground; and
- (4) the conduct of any funeral home or in the business or profession of mortuary science; provided that crematoriums operated in conjunction with funeral homes prior to December 1, 1971 are excepted from the provisions of this paragraph(4).

At this juncture, the Board has preliminarily concluded that the above violation is sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal proceedings, should you consent to:

1. cease and desist from simultaneously engaging in the management, operation or control of the cemetery, directly or indirectly, and in the conduct of the funeral business.
2. notify the Board within 30 days of your receipt of this letter of the manner in which you have elected to comply with the statute, providing documentation of your cessation of either or both activities.

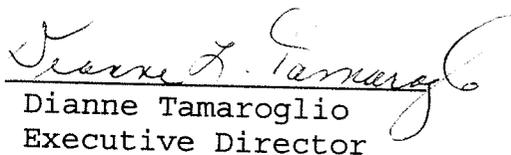
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violation. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you have your attorney contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 693-5056.

If you elect to settle this matter now, you should sign the acknowledgment at the bottom of this letter and return it to the Board within thirty (30) days following your receipt of this letter. In the event that the Board receives no response from you within thirty (30) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY CEMETERY BOARD

By:


Dianne Tamaroglio
Executive Director

ACKNOWLEDGMENT: I, Frank Magda, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to comply with all requirements set forth in the settlement letter.

Dated:


Frank Magda . 8/1/05

cc: John D. Hugelmeyer, Deputy Attorney General
certified & regular mail