

NEW JERSEY
CEMETERY BOARD

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

IN THE MATTER OF

Administrative Action

CHERRYVILLE MOUNTAIN VIEW
CEMETERY

**FINAL ORDER OF
DISCIPLINE**

Certificate of Authority
Number 65

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 Cherryville Mountain View Cemetery's failure to file annual reports. Cherryville Mountain View Cemetery responded to the Provisional Order and has filed all reports through 2005. The Board has reviewed the cemetery's reports and now makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent, Cherryville Mountain View Cemetery, holds Certificate of Authority Number 65. 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:4-12, now N.J.S.A. 45:27-15, 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.

3. A review of the Board's files demonstrated that the last annual Maintenance and Preservation Fund report was filed in 1996.

Since then, Cherryville Mountain View Cemetery has filed its annual reports through 2005.

CONCLUSIONS OF LAW

The failure to file an annual reports with the New Jersey Cemetery Board provides 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 an extreme hardship to the cemetery in light of its limited income. As such, the Board will waive the penalty.

ACCORDINGLY, IT IS ON THIS 5TH DAY OF DECEMBER, 2005,
ORDERED that:

1. Cherryville Mountain View 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.

NEW JERSEY STATE CEMETERY BOARD

By: Frank J. DeGeeter
Frank J. DeGeeter, Chair