

NEW JERSEY
CEMETERY BOARD

November 8, 2007

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED *Steven L. Tammone*

By: Ginger R. Provost
Deputy Attorney General
973/648-4447

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY CEMETERY BOARD

IN THE MATTER OF

PERRINEVILLE CEMETERY

Certificate of Authority
Number 041

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey Cemetery Board ("the Board") by the Board's determination, upon review of its files, that Perrineville Cemetery ("Perrineville") had not filed its annual report with the Board pursuant to N.J.S.A. 8A:4-12 showing the extent and augmentation of the Maintenance and Preservation Fund for its fiscal years from 1992 through and including 1999. A review of the Board's records demonstrated that the last report filed by Perrineville was on May 11, 1992 for fiscal year 1991. The Board issued a provisional order of discipline on June 10, 1999 provisionally assessing a civil penalty in the amount of \$500.00 for respondent's violation of N.J.S.A. 8A:4-12¹ and ordered respondent to cease and desist from failing to file its annual Maintenance

¹The Legislature recodified, reorganized and amended the cemetery laws as P.L. 2003, c 261; however, the annual report filing requirement remains and can be found in N.J.S.A. 45:27:15.

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. It further provisionally ordered respondent to file annual reports from January 1, 1992 through December 31, 1997 along with proof of deposits for all statutorily required payments into the Fund for that period within thirty (30) days of the entry of a final order and to simultaneously pay the annual filing fee of \$75.00 to the Board. The provisional order has not been finalized; however, on July 16, 1999 respondent paid the \$500.00 civil penalty. In addition, on April 13, 2006, respondent filed its annual report for fiscal years 1992 and 1993; on April 26, 2006, respondent filed its annual report for fiscal years 1994; on July 27, 2006 respondent filed its annual report for fiscal year 1997; on August 29, 2006 respondent filed its annual report for fiscal years 1998; on October 11, 2006 respondent filed its annual report for fiscal year 1999; on October 31, 2006 respondent filed its annual report for fiscal year 2000; on January 23, 2007 respondent filed its annual report for fiscal years 2001; on April 9, 2007 respondent filed its annual report for fiscal year 2002; on May 23, 2007 respondent filed its annual report for fiscal year 2003; on June 14, 2007 respondent filed its annual report for fiscal year 2004; on July 6, 2007 respondent filed its annual report for fiscal year 2005; and on July 20, 2007 respondent filed its annual report for fiscal year 2006.

Since respondent has fully cooperated with the Board since the filing of the provisional order, has paid the \$500.00 civil penalty which was provisionally imposed, has submitted all back reports and is current with its filings and payment of annual fees, the Board finds that sufficient cause exists to enter into this order. Furthermore, the Board finds that this order is sufficiently protective of the public health, safety and

welfare; and respondent agreeing to waive any right to further proceedings and agreeing to the terms of this Order,

IT IS, THEREFOR ON THIS 9th day of November, 2007,

ORDERED that:

1. The civil penalty and filing fee provisionally imposed in the Provisional Order of Discipline dated June 10, 1999 have been fully satisfied.

2. Respondent shall cease and desist violations of the provision of N.J.S.A. 45:27-15 which require each cemetery company to file an annual report with the Board within 120 days after the close of the cemetery company's fiscal year.

3. Should respondent violate any provisions of the New Jersey Cemetery Act, N.J.S.A. 45:27-1 et seq., or the regulations, N.J.A.C. 13:44J-1.1 et seq., it may be subject to enhanced penalties as a second violation, as well as such other proceedings as authorized by law without prejudice to respondents' right to present evidence in mitigation and affirmative defenses.

NEW JERSEY STATE CEMETERY BOARD

By:

Marion Brozowski
Marion Brozowski, President

I have read this Consent Order and understand the terms and I agree to be bound by the terms of this Consent Order.

Perrineville Cemetery Company

By:

Reith E. Bragg
Name

Treasurer
Title

Date: 10/31, 2007



JON S. CORZINE
Governor

New Jersey Office of the Attorney General

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



ANNE MILGRAM
Attorney General

LAWRENCE DEMARZO
Acting Director

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

November 9, 2007

Ruth Briggs
166 Sweetman's Lane
Englishtown, New Jersey 07726

Dear Ms. Briggs:

Enclosed is a Consent Order entered by the New Jersey Cemetery Board finalizing the Provisional Order which was issued to Perrineville Cemetery on June 10, 1999.

Our records indicate that Perrineville Cemetery has complied with the provisions of the Provisional Order and has filed all Annual Reports up to and including Fiscal Year 2006.

Thank you for your continued cooperation in this matter.

Sincerely,

Dianne L. Tamaroglio
Executive Director

enclosure

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