



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

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



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Director

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

January 5, 2012

Mr. Brian Maxwell  
C/O New Gretna Old Home Society  
P.O. Box 133  
New Gretna, New Jersey 08224

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

Dear Mr. Maxwell:

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 President of the New Gretna Old Home Society, while simultaneously holding an active license (#23JP003883400) as a New Jersey funeral director. The Board finds that your position as the cemetery's President causes you to be engaged in the operation of a cemetery company.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that your holding the aforesaid position and license simultaneously is a violation of the *New Jersey Cemetery Act, 2003*; specifically, **N.J.S.A. 45:27-16(c)(4)** 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 the ground; and
- (4) the conduct of any funeral home or the business or profession of mortuary science;...

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 conclusion, however, the Board has decided to 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 any funeral home or the business or profession of mortuary science.
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 contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 648-3453.

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*  
Dianne Tamaroglio  
Executive Director

ACKNOWLEDGMENT: I, Brian Maxwell, 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: 1-13-12

*Brian L. Maxwell*  
Brian Maxwell

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 Street, Apt. No.,  
 or PO Box No. *Newton Center*  
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

cc: John D. Hugelmeyer, Deputy Attorney General

JAN 20 2012

January 13, 2012

New Gretna Old Home Society  
P.O. Box 133  
New Gretna, NJ 08224

Dear Friends,

In response to the letter dated January 5, 2012 from the State's Attorney General's Office, it appears that someone who is a licensed funeral director cannot serve in any capacity on a cemetery board, even if it is voluntary. Therefore, I have no choice but to resign my position as President and Board of Directors effective January 13, 2012.

I have appreciated each one of you and for all your efforts in the maintenance of our cemeteries. I wish each one of you a healthy and happy new year!

Most Sincerely,

Brian L. Maxwell

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> <i>Barbara Cornwell</i>	
1. Article Addressed to: <i>Robert McCracken</i> <i>c/o Newton Cemetery</i> <i>PO Box 3066</i> <i>Newton, New Jersey</i> <i>07860</i>	B. Received by (Printed Name) <i>Barbara Cornwell</i>	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  <div style="text-align: center;"> </div>	
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