



**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. Robert McCracken  
C/O Newton Cemetery  
P.O. Box 3066  
Newton, New Jersey 07860

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

Dear Mr. McCracken:

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 on the Board of Trustees/Directors of Newton Cemetery, while simultaneously holding an active license (#23JP00364000) as a New Jersey funeral director. The Board finds that your position on the cemetery's board 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.

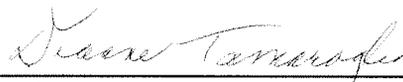
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

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  
Executive Director

ACKNOWLEDGMENT: I, Robert McCracken, 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:

1/24/2012

Robert E. McCracken  
Robert McCracken

I understand that this is intended to be a final resolution of the matter specified.

Date:

1/24/2012

Robert E. McCracken  
Robert McCracken

cc: John D. Hugelmeyer, Deputy Attorney General

**Smith-McCracken Funeral Home**

63 High Street, Newton, NJ 07860

Robert E. McCracken, Manager

N.J. Lic. No. 3640

FEB 08 2012

Tel: 973/383-4600

Fax: 973/383-1479

January 26, 2012

NJ Office of the Attorney General  
Division of Consumer Affairs  
New Jersey Cemetery Board  
124 Halsey Street  
Newark, NJ 07102

Attention: *Dianne Tamaroglio, Executive Director*

Dear Ms. Tamaroglio:

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

Pursuant to your letter dated January 5, 2012, regarding the above mentioned Offer of Settlement, I am hereby enclosing a copy the signed Acknowledgement provided by you. By signing this document, I agree to comply with all requirements as forth in the *New Jersey Cemetery Act, 2003* (specifically, N.J.S.A. 45:27-16(c) (4)) by resigning from the Newton Cemetery Board.

Accordingly, I have also enclosed a copy of my letter to the Newton Cemetery Board in which I resign from my position on the Board of Directors of Newton Cemetery. I will, however, maintain my active license (#23JP00364000) as a New Jersey Funeral Director.

It is my understanding that the attached signed Acknowledgement is intended to be a final resolution of the matter specified.

Sincerely,



Robert E. McCracken, Manager  
N.J. Lic. No. 3640

Enclosures (2)

# Smith-McCracken Funeral Home

63 High Street, Newton, NJ 07860

Robert E. McCracken, Manager

N.J. Lic. No. 3640

Tel: 973/383-4600

Fax: 973/383-1479

January 26, 2012

Newton Cemetery Board of Directors  
PO Box 3066  
Newton, NJ 07860

Attention: *Charles Tice, President*

Dear Mr. Tice:

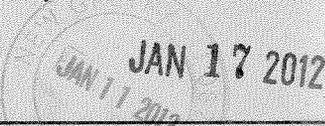
Re: Resignation

This letter will serve as my official resignation from the Board of Directors of Newton Cemetery as of the date of this letter.

Sincerely,



Robert E. McCracken, Manager  
N.J. Lic. No. 3640

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"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>Brian Maxwell</i> <i>c/o New Gestra Old Home</i> <i>Society</i> <i>7 Box 133</i> <i>New Gestra, New Jersey</i> <i>08224</i>	B. Received by (Printed Name) C. Date of Delivery <i>Peter H. Stemmer</i>
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 checked="" type="checkbox"/> No 
PS Form 3811, February 2004	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	7006 2150 0005 5205 2497 102595-02-M-1540

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Total Postage & Fees	\$

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Sent To Bruce Maxwell  
Street, Apt. No.,  
or PO Box No. New Guinea  
City, State, ZIP+4

PS Form 3800, August 2005

See Reverse for Instructions