

New Jersey Cemetery Board

consumer *brief*

The Cemetery Board licenses and regulates cemetery companies that are not considered religious corporations. The Board consists of 10 members, appointed by the Governor, with the advice and consent of the Senate. Five members are industry members. Two members represent the public and have no association with the business of cemeteries. One member is a representative of the Commissioner of Community Affairs, one is a designee of the Attorney General and one is a designee of the Commissioner of Health and Senior Services.

The purpose of the Board is to protect the welfare of the people of New Jersey. The Board accomplishes this by administering the provisions of the laws which deal with cemetery rules and regulations, the sale of lots, cemetery care, billing disputes, charges for services, and management of trusts and endowment funds. It is also responsible for licensing cemetery sales personnel and issuing certificates of authority, which are required to operate a cemetery company.

One of the most important missions of the Board is to ensure that the millions of dollars contained in cemetery Maintenance and Preservation Trust Funds are properly supervised. Each cemetery's trust fund monies must be held in an irrevocable trust in a State or federally regulated financial institution having and maintaining a principal place of business in New Jersey. Trust-fund monies are funds which have been set aside to preserve cemetery grounds. The law requires that cemetery companies authorized to maintain these funds ensure that the principal will not be lost; therefore, investment in prudent securities is mandatory. Securities may take the form of interest-bearing bank accounts, certificates of deposit, stocks or bonds.

All cemetery companies within the jurisdiction of the New Jersey Cemetery Board (approximately 400) must file an annual report with the Cemetery Board on the status of their Maintenance and Preservation Trust Fund and other trusts. The report, with accompanying documents from the financial institution, updates the Board on the book value and the market value of the fund along with the number of interments and cremations performed at the cemetery for the past year.

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WHAT ARE MY RIGHTS AS A CONSUMER IF I HAVE A COMPLAINT AGAINST A CEMETERY?

Every consumer has a right to file a complaint against a cemetery company with a certificate of authority issued by the New Jersey Cemetery Board. Complaints may be filed by contacting the:

New Jersey Cemetery Board
124 Halsey Street
P.O. Box 45036
Newark, NJ 07101
973-504-6553

or downloading a complaint form at:
www.njconsumeraffairs.gov/Pages/Consumer-Complaints.aspx

HOW ARE COMPLAINTS RESOLVED?

If the complaint is within the Board's jurisdiction:

- the complaint may be referred to an investigator who may contact you for additional information;
- the cemetery company will be asked to respond to your concerns; and
- the Board will evaluate the complaint and the response of the cemetery company and determine if the complaint involves a violation of law.

WHAT HAPPENS NEXT?

- If a violation did occur, the Board may take action against the licensee or the cemetery.
- During disciplinary proceedings, the licensee or cemetery company may be represented by an attorney and will be given the right to demonstrate compliance with the law. If the Board decides to discipline the licensee or cemetery company, the licensee or cemetery company has the right to appeal the action.
- You will be notified, in writing, when the complaint is resolved.

CONSUMER TIPS

- If you choose burial, you will need to purchase a grave. Plot prices may vary widely between different cemeteries and different locations in the same cemetery. There is a fee for opening and

closing the grave. Be sure you understand what you are getting and that for which you are paying. A current fee schedule for the cemetery must be filed with the Board and the cemetery company cannot charge a fee which is not on the schedule.

- Vaults or grave liners are not required by law, but cemeteries may have their own rules on this matter. Vaults keep the ground from settling and make mowing and maintenance easier.
- Markers and monuments or bronze markers must meet cemetery standards. Cemetery companies are prohibited from selling headstones or grave markers.
- Each cemetery company may make reasonable rules and regulations for the use, care, management and protection of the property of the cemetery.
- Include your cemetery property as part of your estate when executing a will.
- Be aware that in-ground burials, mausoleums, crypts, and cremation niches also require opening and closing fees.

If you have any questions, you may contact the Division via e-mail at: AskConsumerAffairs@dca.njoag.gov.

New Jersey Office of the Attorney General DIVISION OF CONSUMER AFFAIRS

Consumer Service Center

124 Halsey Street
P.O. Box 45025
Newark, NJ 07101

973-504-6200

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(toll free within N.J.)

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