



In Touch

Funeral Education Foundation & Funeral Consumers Alliance Of San Mateo and Santa Clara Counties
Nonprofit organizations educating consumers
www.funeralconsumerinfo.org

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Fall 2009 Issue

FTC Funeral Rule May be Expanded

—Joshua Slocum, Exec. Dir. FCA National

Congressman Bobby Rush has introduced a bill to expand the Funeral Rule to cemeteries, monument dealers, and casket retailers (cemeteries being the most important. . .). As you know, I testified before the House Subcommittee on Consumer Protection in July after the Burr Oak grave desecration story broke. My goal for FCA was to show lawmakers that the entire cemetery industry needed oversight--ongoing but not headline-grabbing abuses needed to be stopped.

The congressional staff have been really impressive. They asked for comments on creating a bill that would start to fix these problems, and that would close gaping loopholes in federal funeral consumer

protections that have existed since 1984. I'm delighted to see almost all the issues I raised have been incorporated into HR 3655, the Bereaved Consumer's Protection Act of 2009. This is the [the] goal our federation has been aiming for since the 1970s.

The Bill requires the FTC to enact rules that will:

- Compel cemeteries to give consumers accurate prices before the sale
- Give consumers the right to buy only the goods and services they want; to buy markers, monuments, or grave vaults from less expensive retail vendors rather than being captive to the cemetery's prices
- Bar cemeteries from forcing families to buy entire packages of goods or services, if the family wants to choose item by item
- Require cemeteries to dis-

close rules and regulations, and consumer rights, before the purchase

- Require cemeteries to keep accurate records of all burials sold, and where remains are interred, and to make records available to regulators
- Bar cemeteries from lying about the law - claiming state laws "require" vaults to surround an in-ground casket, for example

Cremation-only businesses (those [not] part of a funeral home) that serve the public directly will also be subject to the price disclosures and consumer rights the Rule currently mandates for funeral homes.

The bill will also require retail monument dealers and casket-sellers to offer accurate price information to consumers and refrain from misrepresenting legal requirements.

(For related information, see pg 3 or visit funerals.org.)

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Stephanie Sanford is the new voice you hear on the FCA/FEF office phone. She will be staffing the office 9AM to noon, Mon. Wed., and Friday. Harry Anisgard, ex-president of FCA, will continue taking emergency phone calls during off-hours (his number is on the voice message)

2009-10 Officers Chosen

The officers elected at the May Board of Directors meeting for Fiscal Year 2009-2010 are as follows:

- FCA President: Deborah Meckler of South San Francisco
- FEF President: Marjorie Bridges of Palo Alto
- Vice President: Marjorie for



- FCA, Deborah for FEF
- FCA Treasurer: Carolyn Bechthold of San Bruno
- FEF Treasurer: Katoko Sax of Palo Alto
- FCA and FEF Secretary: Robert Marder of Hillsborough

The board meets the first Monday of each month at 7:15 p.m. in a Palo Alto church.

One more board member from Santa Clara County is needed. We especially need a person with a health, legal, or marketing background.

If you would like to volunteer or suggest someone who has time, interest, and ideas, email the office at: office@funeralconsumerinfo.org

The Coastside Land Trust (www.coastsidelandtrust.org) is a 501(c)(3) non-profit corporation dedicated to the preservation, protection and enhancement of the open space environment including the natural, scenic, recreational, cultural, historical, and agricultural resources of Half Moon Bay and the nearby areas for present and future generations.



Proposed Burial Site, Photo by Jo Chamberlain of the Coastside Land

Green Burial Progress on the Peninsula

The Coastside Land Trust is considering establishing a green burial cemetery south of Half Moon Bay.

Green burial is a way to bury human remains with as little resource use, energy use, and land disturbance as possible. This means no embalming, only biodegradable burial coverings or containers, no concrete vaults and no headstones. Grave locations are recorded by GPS coordinates and may be minimally marked on site using local field stones or a planting of native flowers or trees. The

land where such burials occur remains compatible with other land uses such as open space, gentle grazing or farming, or low-impact recreation like bird watching.

A portion of the land being considered, near Purissima Creek, already contains an historic cemetery that is in need of care. The remainder of the property appears suitable for green burials, and the Coastside Land Trust has been investigating the permits and regulatory requirements for getting one started.

There is work yet to be done before the cemetery can open its gates, such as environmental review and fundraising, but preliminary feedback from stakeholders and pertinent government agencies suggest that the remaining hurdles can be cleared. So if you live on the Peninsula and can hang on for a couple more years, there may be a place on the coast for you to make your final environmental contribution to the earth.

Deborah Meckler, Marjorie Bridges, and Jane Newhouse of FEF/FCA are working with the steering committee for the new cemetery.

Completing Your Membership

Thank you for joining and supporting FCA—but don't put off filling in the Planning Form that has your membership number on it. Your relatives will appreciate having the planning all taken care of should you suddenly pass away. To change an *existing* Planning Form, use this form.

New Information for My File
(I already have a "planning form" in my file.)

Name#1 _____

Name#2 _____

Date: _____ Memb.# _____

Old Address: _____

Old City, Zip _____

New Address: _____

New City, Zip _____

New Phone _____

Current E-mail _____

New Mortuary _____

New Next of Kin _____

Kin's Address _____

Kin's Phone _____

(A new wallet card will be sent to you with changes of kin or mortuary)

I/we now desire: C1—Direction Cremation
 C2—Cremation & Scattering at Sea
 B1—Direct Burial
 B2—Direct Burial with Graveside Services
 B3—Traditional Funeral with Simple Casket

Signed #1 _____

Signed# 2 _____

Do you belong to a living group, church, or organization that would benefit from hearing a message from Funeral Education Foundation about preparing for the end of life?

Reservations can be made for a free speaker from FEF by calling the office at 650-321-2109.

Recently, the Speaker's Bureau spoke at three hospices about what our organizations can do for their clients, and on Oct. 29 we'll address a residential living group on "Getting Prepared Without Getting Taken."

In Touch is published semi-yearly by FEF/FCA. The subscription list includes FEF donors, members of FCA of San Mateo & Santa Clara counties, agencies, churches, and selected organizations.

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Board for FCA&FEF
 Allan Behr, Nora Noldon, Katoko Sax, Marjorie Bridges, Carolyn Bechthold, Deborah Meckler, Trudy Bowman, Linda Blum, Karen Ruiz, Bob Marder, Judy Yee

Office
 Mgr.: Stephanie Sanford
 Hours: M,W,F 9am-Noon

Advisory Council
 Harry Anisgard, Joan Dammann, Lou Gado, Robert Glaser, M.D., Doris Hawks, Jane Hillhouse, Barbara Bultgren, Lois Salo, and Jack Wallace

Choosing a Final(?) Resting Place

Have you read recent news reports about buried remains allegedly being desecrated and/or discarded to make room for more burials—without notifying next of kin?

9/11/09—themonitor.com

“An Hidalgo County jury assessed \$320,000 in damages against the nation’s largest cemetery operator Friday, after finding it lied to two families about the state of their relatives’ remains. [Service Corp. International] was accused of secretly moving the body of a Weslaco World War II veteran to cover up the fact that he was twice buried in a grave plot that had already been sold to someone else. . . . the resolution of the Garza case comes amid a nationwide barrage of lawsuits against SCI alleging similar conduct. In 2007, a Cameron County jury awarded \$11 million to a family whose relative’s remains were dug up from Mont Meta Memorial Park in San Benito because they were interred in the wrong plot. In

that case, SCI employees testified that they had moved the body without the family’s consent. The company continues to battle five other lawsuits connected to properties in Pharr, La Feria and Brownsville. And just this week, a group of California families filed another suit in Los Angeles, claiming that employees at a cemetery there “intentionally ... desecrated the remains of (the) deceased” by moving them to make room for new bodies.”

9/11/09—cnn.com

... [the suit] alleges that employees at Eden Memorial Park, in Mission Hills, California, “intentionally, willfully and secretly desecrated the remains of deceased individuals,” often moving them to make room for new remains. . .

Anthony Lampe, the general manager of Eden Memorial Park, said he had not seen the lawsuit and referred inquiries to Service Corporation International. The lawsuit alleges groundskeepers were secretly instructed to break buried con-

crete interment vaults that contained caskets already buried, using backhoes.

According to the September 16 issue of *The Signal* of Santa Clarita Valley, SCI denies these serious allegations and issued a statement that it will not and cannot try this case in the media, but instead will deal with the case “within the system” out of respect for families and the court system.

According to CNN’s article of 9/11/09, this is not the first time SCI has faced allegations of digging up graves and moving bodies to make room for new remains, reaching settlements of \$100 Million and \$14 million in Florida over issues related to those claims.

For information about Eden Memorial Park suit, visit www.witzerlaw.com.



Service Corporation International is “North America’s largest single provider of funeral, cremation and cemetery services. . . . dedicated to “serving families at difficult times, celebrating the significance of lives that have been lived, and preserving memories that transcend generations, with dignity and honor”

—www.sci-corp.com

Of the 1,700 providers in the SCI network, nine can be found in Santa Clara/San Mateo counties (but none are among the FCA’s cooperating mortuaries).

The average number of times that a family visits a grave after their loved one dies is two.

Help With a Goal

This summer the FCA-FEF Board adopted some goals for 2009-2010. They are:

- A. Develop a new brochure on monuments.
- B. Research and write about hospitals’ protocols at the time of death.
- C. Keep our website current and improve its appearance and content.

- D. Improve the Mortuary Agreement.
- E. Encourage families and mortuaries to notify us of deaths.
- F. Find more volunteers for the office work and brochure distribution.
- G. Distribute membership brochures to more places.
- H. Obtain more speaking engagements at organizations.
- I. Encourage the formation of a

- local Green Cemetery.
- J. Redesign newsletter appearance. Done!

Members or community people who could help with any of these goals should return the enclosed envelope indicating wherein their interest lies.



Changes in Mortuary Scene

Every year there seem to be changes in the mortuary business in San Mateo and Santa Clara Counties. New mortuaries are Casa Funeral, 593 Bird Ave., San Jose; a second location for Colma Funeral Services at 111 Industrial Way, Ste. 5, Belmont; Smart Cremation, 1528 S. El Camino, Ste. 101, San Mateo; Woodside Funeral Service, 3126 Spring St., Redwood City; and Saratoga-Cupertino Funeral and Cremation Service, 12240 Sunnyvale-Saratoga Rd., Ste. 101, Saratoga. Losses include Byrgan closing its Burlingame location, and Trident canceling its San Mateo office. We could update our funeral home survey if members convenient to the new places would stop by and pick up price and casket lists to mail to the FCA office at P.O. Box 60448, Palo Alto, 94306. Thank you very much!



Condolences for Dr. Mayer — Dr. Henry Mayer, Woodside physician and a founding trustee of Sequoia Hospital, who held the #2889 membership in Funeral Consumers Alliance, died August 17, 2009, at his home. He succumbed to cancer at age 95, and practiced medicine until a month before his death. The FCA extends condolences to his family and friends, and with sadness removes his name from its Advisory Council list.



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Updating Estate Plans

Colleen McAvoy, San Mateo estate planning attorney, brought an engaging program about "Is My Estate Plan Up to Date?" to the Annual FCA meeting on April 19 at the Los Altos Public Library. Some of the reasons for doing this estate planning are:



- Specify where the assets will go
- Anticipate our own incapacity
- Provide for minor or incompetent children
- Minimize federal and state taxes on the assets we leave
- Avoid time-consuming probate where assets may not be distributed as desired.

Your estate plan can become outdated and need a review and possible change for a variety of reasons. She described the ways that assets pass at death and the current estate and gift tax exemptions allowed by the government. You can have a copy of the outline of Ms. McAvoy's talk by marking your remit envelope.

News Bits

The 2009 Community Resource Faire will be happening on Friday, Oct. 23, from 10 a.m. to 2 p.m. at Twin Pines Senior and Community Center, 20 Twin Pines Lane, Belmont. The event is sponsored by Senior Round Table and Twin Pines Center. Funeral Education Foundation is on a wait-list to exhibit at the fair. Free entry, refreshments, health testing, demonstrations, and 30 door prizes are offered.

* * *

You can assist the FCA/FEF for many years in the future. Consider a bequest to FCA or FEF in your will. Your attorney will assist you, but you could write it as simply as: "I give and bequeath to the Funeral Consumers Alliance of San Mateo and Santa Clara Counties the sum of \$..... (or percent of my estate)."

* * *

Watch for the Alameda Family Funeral Home ad in the SJ Mercury News on Sunday (or in other south Santa Clara County weekly newspapers) with helpful funeral advice written by Morticia, aka Zoe Alameda.

* * *

Thomas Lynch's lawsuit against Funeral Consumers Alliance, Funeral Ethics Association, and FCA of Idaho has been dismissed by the courts as having no foundation. Lynch had charged the defendants with defamation.

* * *

Funeral Consumer affiliates around California will gather Saturday, Oct. 24, near Turlock to have the annual meeting of FCA-California. Main speaker will be Richard Wallinder, chief of the Cemetery and Funeral Bureau of California. Our delegates will be Katoko Sax, Jane Hillhouse, and Edwin and Marjorie Bridges. Jane will give a green cemetery presentation.

* * *

Transportation Safety Administration rules about cremains: They may be inside checked or carry-on luggage as long as the container can be X-ray screened.

* * *

The Palo Alto Historical Assoc. is providing facilities for anyone

wishing to record their personal history or share stories of life in Palo Alto. The Media Center on San Antonio Rd. has offered space for twice weekly recording sessions starting at the end of October and PAHA will provide the recording system to produce an audio CD for each speaker as well as a digital copy for the PAHA archives. They need volunteers to run the 4-hour sessions (training provided). If you are ready to volunteer or be recorded, leave a message at 650-326-3355. This may start a trend for seniors to leave a legacy for their families and towns.

* * *

Mid-Year Financial Report

Up through Sept. 30, FCA has taken in \$3,285 in donations, \$6,740 in memberships, and \$355 from sales and interest. FEF has accumulated \$4,815 in donations. At 75 percent of the year, these figures are 73 percent of the income budgeted, nearly on target thanks to a gratifying increase in memberships. Expenses are also within budget, due to economizing. We've spent 64 percent of the budgeted \$20,930.

