

**OFFICE OF CEMETERY OVERSIGHT  
ADVISORY COUNCIL ON CEMETERY OPERATIONS  
MINUTES**

DATE: February 25, 2016

TIME: 10:45 A.M. - 1:30 P.M.

PLACE: Department of Labor, Licensing, and Regulation, 500 N. Calvert Street,  
3<sup>rd</sup> Floor Conference Room, Baltimore, Maryland 21202

**CALL TO ORDER:**

Chair Porter called the meeting to order at 10:45 A. M.

**MEMBERS PRESENT:**

Frank Porter, Acting Chair  
Yvonne Fisher  
Andrew Linthicum  
Erich March  
David Zinner

**MEMBERS ABSENT:**

Walter Tegeler

**STAFF PRESENT:**

Marilyn Harris-Davis – Director  
Deborah Rappazzo - Investigator  
Olusegun (Victor) Sokoya – Financial Compliance Administrator  
Leila Whitley - Administrative Aide  
Paulette Wirsching - Assistant Attorney General

**VISTORS:**

Kaija Dallessandro - Baltimore Crematory at Loudon Park  
George Della - citizen  
Ralph DeStefano – SCI Maryland  
Clay Hashimoto - AARP  
Craig Huff – Moreland Memorial Park Cemetery

## **HOUSEKEEPING:**

### **Minutes:**

The minutes from December 3, 2015 were approved.

### **Announcements:**

Director Harris-Davis introduced Victoria Wilkins, the Commissioner for Occupational and Professional (O & P) Licensing. Commissioner Wilkins summarized Legislative Policy for the Department of Labor, Licensing and Regulation (DLLR). Council/board members cannot testify on matters regarding DLLR. When a council member testified recently (not on behalf of the Advisory Council) on a DLLR matter, that should not have been allowed. There were some council members that mentioned in the past they were allowed to testify on legislation as long as it was clear they were not testifying on behalf of the Advisory Council. Commissioner Wilkins will follow up with the origin of the DLLR policy regarding the issue. An issue of there not being any representation from DLLR to answer any questions from the legislators was also a concern for some of the Advisory Council members. The Commissioner promised action on pending appointments and renewals for the Advisory Council.

Director Harris-Davis introduced Mr. Clay Hashimoto as a potential new Advisory Council member. Mr. Hashimoto is from southern Maryland and is representing AARP.

A former Senator, Mr. Della, has a concern with green burials coming into the area of northern Baltimore county. Green burials do not seem to be the best for the surrounding community, due to the very little upkeep of a green burial cemetery. There is a potential of fourteen (14) green burial cemeteries coming into existence. There also may not be an office located on the premises of a green burial cemetery. The website for the green burial cemetery is already up and running. There are consumers that have already been trying to locate the cemetery. There are still a lot of questions and issues regarding a green burial cemetery. The Office will follow-up reports that pre-need sales are already taking place.

## **DIRECTOR'S REPORT:**

### **Legislative Update**

Director Harris-Davis updated the Advisory Council regarding the bills that were submitted to the legislature. Some of the bills were being heard in the Senate and in the House on the same day, but different times. A few of the bills were given to the council members: Senate Bill 897 and House Bill 949, which were in reference to Cemeteries – Perpetual Care Trust Fund – Loan of Principal for Capital Expenditures; Senate Bill 535, which was in reference to Office of Cemetery Oversight – Cemetery Financial Statement – Requirements; and House Bill 555, which was in reference to Office of Cemetery Oversight – Perpetual Care Trust Funds – Report Submission Requirement.

### **Financial Reporting**

Director Harris-Davis made mention that Mr. Sokoya has developed templates for financial stability, preneed and perpetual care trust funds. Mr. Sokoya briefly went over some of the items on the templates. There was a comment regarding having an attestation on the proposed template. It was stated that it is important to have cemeteries' balance sheets as well as their tax returns, to compare the financials. Another comment was made regarding trust reports must be certified but that not all financial statements are certified. An ordinary public accountant is not certified to give a review.

### **Cease and Desist Letters**

Cease and desist letters have been sent out to about twelve (12) burial goods businesses and cemeteries. If the licensees do not comply within a certain amount of time, they can be charged criminally or have civil sanctions brought against them.

### **Public Inquiry**

This Office continues to receive public inquiry requests from channels four (4) and nine (9). They are looking at specific cemeteries but the inquiries are for a few more cemeteries.

### **Introduction of Ecological-Alternative to Cremation and Burial**

A new process for final disposition is the disposal of human remains which produces less carbon dioxide and pollutants than cremation. This process is called alkaline hydrolysis. It is a chemical form of dissolving a body which turns into a liquid and goes down the drain. Another process that was referred to a few years ago, is cold cremation, which is freeze drying a body. This process turns the body into a powder.

### **FINANCIAL COMPLIANCE ADMINISTRATOR'S REPORT**

Mr. Sokoya developed a number of templates. He has also been working on an aggregate trust.

There was some discussion regarding if a cemetery goes out of business, what steps is the Office of Cemetery Oversight going to take, if any. Who is going to maintain the cemetery? Will there be a receivership by OCO? The council does not want the state to be unprepared if another cemetery happens to go out of business. Director Harris-Davis is speaking with other states to find out their procedure for a cemetery that has gone out of business.

### **INVESTIGATOR'S REPORT**

Ms. Rappazzo discussed the number of complaints and inquiries between January 2015 and December 2015 was four hundred nine (409). Director Harris-Davis has accompanied Ms. Rappazzo on some of the visits to cemeteries. So far in January, the number of inquiries is twenty-seven (27) and the number of formal complaints is nine (9). The main concerns consumers have with cemeteries are incorrect burial location, memorials not being delivered (when consumers are informed they will be), and maintenance. Ms. Rappazzo asks for a price list when she visits cemeteries. Any consumer should be able to receive a general price list from any cemetery.

Ms. Rappazzo received a phone call from a funeral director regarding rules for disinterment.

### **UNFINISHED BUSINESS:**

There are some issues in Title 5 regarding ethical behavior that are mentioned in complaints.

The Office is trying to get the cemeterians' seminar to be held in the spring, maybe the end of April, at Catonsville Community College. OCO will have to prepare an agenda for the seminar.

### **NEW BUSINESS**

The question was raised by a member of the public - What is the issue with bench right fees? If the fees "across the board" at cemeteries are consistent. They asserted that as long as a bench right fee is listed on a general price list, a consumer does have the choice to go to a cemetery that charges a lower fee or a higher fee.

The next Advisory Council meeting is scheduled for March 24, 2016 at 10:30 A.M. The meetings for 2016 will continue to be the 4<sup>th</sup> Thursday of every month. There are no meetings scheduled in 2016 for May, July, August or November.

**ADJOURNMENT:**

A motion was made to adjourn. The motion passed unanimously and the meeting adjourned at 1:30 P.M.