 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Office of Cemetery Oversight

500 N. Calvert Street, 3rd Floor

Baltimore, MD 21202

**OFFICE OF CEMETERY OVERSIGHT**

**ADVISORY COUNCIL ON CEMETERY OPERATIONS**

**MINUTES**

DATE: January 15, 2021

TIME: 8:00 a.m. – 9:30 a.m.

PLACE**:** Virtually Meeting-https:// meet.google.com/ryi-txqo-pjp

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PIN:

**MEMBERS PRESENT**

 Frank Porter, Chair

 J. Michael Bennett

 Yvonne Fisher

 Erich March

 Ronald Pearcey

 David Zinner

Craig Huff

**MEMBERS ABSENT**

Walter Tegeler

Bruce Hultquist

Rebecca Edminston

**STAFF PRESENT**

Gregory Morgan-Commissioner, Division of Occupational & Professional Licensing

Deborah Rappazzo-Executive Director, Office of Cemetery Oversight

 John Hart- Assistant Attorney General, Office of Cemetery Oversight

 Dreama Anderson- Investigator, Office of Cemetery Oversight

 Leila Whitley-Licensing Specialist

Jay Wilson- Financial Compliance Administrator, Office of Cemetery Oversight

**STAFF ABSENT**

None

**VISITORS**

 Ralph Destefano, SCI District Manager

Richard Cody, Resthaven Memorial Gardens

Amy Shimp, Delaney Valley Memorials Gardens, Maryland Cemetery and Cremation Association, Legislative Chair

Howard Presberry, Presberry Memorials

**CALL TO ORDER**

 Chair Porter called the meeting to order at 8:00 a.m.

**EXECUTIVE DIRECTOR’S REPORT**

The Executive Director, Rappazzo provided an update concerning the letter received from Council Chair, Porter pertaining to the “Consideration of Death Care Responders as Essential Workers and Heroes”. Currently the letter has been forwarded to Commissioner Morgan for his consideration.

Commissioner Morgan thanked Council Chair, Porter and the entire Council for their letter surrounding the need of COVID-19 vaccines for all death care workers. He advised the Council that the letter will be forwarded to the Secretary’s Office for consideration.

 **LEGISLATIVE UPDATE**

Executive Director Rappazzo reminded the Council that they cannot testify on a bill in their official capacity unless they receive prior permission from the Secretary’s Office. They can, however, testify in their private capacity. Additionally, the Council was advised that this year’s edition of the policy on testifying before the legislature would be issued by the Secretary’s Office shortly and forwarded to them.

An update was provided by John Hart, AAG pertaining to several bills in the 2021 Legislative Session. These bills are as follows:

* SB106 - Licensing – Good Standing With the State Department of Assessments and Taxation – Requirement

**Synopsis:** “Requiring, before certain licenses or permits are issued or renewed, the issuing authority to verify with the State Department of Assessments and Taxation that the applicant is in good standing with that Department if the applicant is an entity required to submit a certain report and not a natural person.”

This bill will affect the entire Division of Occupational and Professional Licensing. Executive Director Rappazzo reports that she already checks with the SDAT website as to if the OCO permit holder is in “good standing” before issuing a permit.

* SB180 – Funeral Establishments and Crematories – Unclaimed Cremains of Veterans – Notification, Disposition, and Reporting

**Synopsis:** “Specifying that the purpose for which licensed funeral establishments and holders of certain permits are authorized to transfer unclaimed cremains of a veteran or an eligible dependent to a veterans service organization under certain circumstances is for the appropriate disposition of the cremains; requiring a funeral establishment or crematory to transfer certain cremains to the Department of Veterans Affairs for the purpose of the appropriate disposition of the cremains; etc.”

This is the same bill as SB84 from last year that passed out of the Senate with amendments.

* SB192 / HB0005 - Cemeteries - Perpetual Care - Distribution From Perpetual Care Trust Fund

**Synopsis:** Requiring a distribution from a perpetual care trust fund to be used for certain purposes; permitting a certain cemetery to select a certain method of distribution from a certain perpetual care trust fund; requiring the cemetery to submit a certain statement to the Director of the Office of Cemetery Oversight if the cemetery selects a certain method of distribution from the perpetual care trust fund; requiring the Director to make a certain report to certain committees of the General Assembly on or before December 1, 2027; etc.

Except for a few changes to the wording, substantively this appears to be the same HB243 that passed out of the House with amendments in the 2020 Legislative Session..

The committee hearings on HB0005/SB109 will be held remotely on January 21, 2021 at 1:00

PM and 1:30 PM respectively. The Council was directed to the General Assembly’s website for

more information on how to attend the remote committee hearings.

**Discussions SB192 / HB0005**

-Council Member, Zinner-is not in favor of this bill. He will be testifying against the bill. He feels that before any cemetery can change from the income distribution method to the new distribution method, an actuary needs to perform an analysis of the Perpetual Care Trust Funds to make sure that the fund is healthy enough to handle this new type of method.

-Council Member, Fisher-feels that additional information is needed to make a final determination if the new distribution method should be considered.

-Council Member, Bennett-is supportive of the total return method (new distribution method) since it out performs the current method that is currently being allowed. Some religious cemeteries located in Maryland and other states are currently using the total return method.

-Council Member, Huff-feels that the bill looks into the future to make sure that all types of cemeteries will have enough money for perpetual care for 100 plus years. The current method doesn’t provide enough financial growth.

-Council Member, March-believes that the bill has merit, but notes that there should be more bench marks added to prevent cemeteries from depleting their perpetual care trust balance too low.

-Council Chair, Porter-expressed his concerns that the Office of Cemetery Oversight will be unable to absorb the cost of hiring professional staff to oversee the new distribution method and therefore making it a burden on the Executive Director.

-Council Member, Pearcey-believes this is the same bill(s) as introduced last year with a few wording changes and therefore is not for or against.

 **PUBLIC COMMENTS**

Ralph Destefano-the total return method (new distribution method) provides the perpetual care trust

funds the ability to grow and will generate more funds for the future care of cemeteries.

Richard Cody-was in Annapolis when legislation passed the first bill surrounding perpetual care trust

funds. Believes newly created cemeteries should be required by law to deposit a higher amount of

money in their perpetual care trust funds then what is currently required by law.

Amy Shimp-this new bill is kind of hard to analyze since each cemetery is on a different growth curve.

Some cemeteries have graves to sell and some don’t and/or are getting near full. Therefore, there has

to be a lot of safeguards built into the bill.

 **CLOSING REMARKS**

 Next meeting January 28, 2021. It will most likely be virtual.

 **Meeting adjourned 9:30 a.m.**