Funeral Ethics Organization

Spring Newsletter 2005

Hinesburg, Vermont

Lighting a Fire under Mortuary Education

by Lisa Carlson

One mortuary student asked her professor if they were being adequately prepared to meet with cremation customers. "Push the traditional funeral," was the response she got. Given a national cremation rate of nearly 30% (and over 60% in some areas), isn't there an obligation for mortuary schools to cover cremation issues in some depth?

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One funeral director who owns his own crematory shared his thoughts on cremation education:

"I can draw a parallel between sex education in the public schools and cremation education in mortuary school.

"Last night there was a story on the television news that the local school board had nixed sex education. I understand that the general feeling is that if they ignore sex education long enough it will go away along with teenage pregnancy and sexually transmitted diseases. That appears to be the same line of thought followed by mortuary colleges. Unfortunately for them, with the national cremation rate well over 25%, it isn't going away.

"Without a doubt mortuary schools should teach cremation, beginning with an understanding of the history of cremation in America. There are two excellent books on this subject that were published in the past three years.

"Mortuary colleges also often require their students to do a certain number of embalming cases before they graduate under the supervision of an instructor or licensed embalmer. Why not do the same with cremation?

"Cremation education will require learning cremation laws, presentation of unembalmed bodies where warranted, the cremation process, crematory/crematorium/retort maintenance, an understanding of the reasons people choose cremation (available in the books), and the various ways families choosing cremation can be best served.

"Services that involve cremation are often more creative than services involving embalming, casketing, and burial. If for nothing else, this is reason enough to require cremation as a part of the mortuary school curriculum. The ability to serve families that want something beyond the traditional funeral is not inherited. It must be taught and learned."

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A survey of how mortuary schools cover cremation in their curricula seemed in order. I asked in what classes cremation was taught and for a course syllabus and test questions for those classes, as well as a list of resources. Out of 55 mortuary programs that I e-mailed (or called), I got responses from 14.

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From the East: "Cremation is taught in five different subject areas: Funeral Home Administration; Funeral Service Law; Funeral Directing & Professional Relationships; Funeral Service Counseling; and The History of Funeral Service.

"There is no one syllabus on the subject of final disposition; this form of disposition is 'sprinkled' throughout as the other forms of dispositions are. No one form of disposition is treated any differently than another.

"Our students visit a crematory nearby and are walked through the process and ask questions. [Our school] has conducted these trips since the 1950s. The students also prepare bodies to be cremated as they do for viewing (which includes embalming and restorative art). *[What about a private family viewing without embalming?]*

"The school maintains a Selection Room displaying caskets, clothing, outer burial containers, urns and urn vaults.

"All test questions are generated by the International Conference of Funeral Service Examining Boards ICFSEB). I have no idea of what or how many questions may be in the question bank.

"As disposition of human remains is our business, we are well aware that cremation is now being selected by 30-50% of those requiring our services."

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Only two questions out of 150 deal with cremation in the Funeral Arts section of ICFSEB's *National Board Study Guide.* The purpose of the exam, it states, is to determine "the MINIMUM QUALIFICATIONS to function as an entry level funeral director" *[caps in the original]—*

2. Cremation first gained widespread acceptance and practice in:

A. ancient Rome
B. Hebrew lands
C. ancient Greece
D. Scandinavian countries

12. The proper terminology for the placing of cremated remains into a final container is

A. interment
B. inurnment
C. entombment
D. cremains interment.

From another Eastern school: "I tell students that when someone says they want cremation, that just means they want to be burned. You can still have a viewing and a funeral."

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From the South: "I realize that cremation education is increasingly becoming more and more important in funeral service education. This area has been overlooked by most mortuary programs, I believe, because people come to mortuary college hoping to learn how to embalm and bury the dead. So, many times cremation is mentioned only briefly here and there throughout the curriculum. Especially here in the Southern Bible Belt where cremation is often viewed as something 'pagans' or 'cults' do.

"Although this is changing for the better. I think that because people are honoring less traditional types of service these days, that cremation just makes sense ecologically and economically. There is an increase even in graveside services and memorial services, with a decrease in chapel or church services. There is just a huge number of unchurched people in the general public who don't care to have a traditional burial. You see this also with decreased church attendance nationwide. I believe this places cremation in a better light with the unchurched.

"I also think there has been an effort NOT to teach cremation fearing that one day cremation may put embalmers and mortuary programs out of business. Funeral directors traditionally have talked families out of cremation. It was seen as something that was done only if the family couldn't afford any 'better.' Funeral Directors traditionally didn't make any money on 'direct cremations.' So, most mortuary programs do not include cremation education. One big reason is because the mortuary instructors know little or nothing about cremation and have never worked at an establishment where cremation was performed.

"Now, to get to your original question. I had to give you a little background on the 'whys' beforehand. As far as our program goes, cremation is not emphasized to a great extent. We follow the American Board of Funeral Service Education curriculum outline to the 'T.' Cremation is mentioned in Ethics and Law as far as legalities concerning the process and proper documentation. Cremation alternatives and merchandise are discussed in Management class. Cremation is discussed in embalming. However, in any of these courses, cremation is only glossed over.

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Hinesburg, VT 05461
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Directors

John Eadie, President
Albany, NY
JohnLEadie@aol.com

Jacquie Taylor, Vice President
Newton Centre, MA
jstaylor@mountida.edu

David DeFilippo, Secretary
Everett, MA
DavidD5058@aol.com

David Zinner, Treasurer
Columbia, MD
zinner@jewish-funerals.org

Malin Byington
Idaho Falls, ID
malin@onewest.net

Hari Close
Baltimore, MD
HPCloseF@bellatlantic.net

Graham Cook
Des Moines, IA
gcook@homsteaderslife.com

Jim Eaton
Aurora, CO
williamjeaton@aol.com

Ron Hast
Tiburon, CA
RonHast@aol.com

Erda Hillmann
Houston, TX
erda@swbell.net

Myra Howard
Richmond, VA
myhow@verizon.net

Jack Springer
Chicago, IL
jspringer@sba.com

Z. G. Standing Bear, Ph.D.
Divide, CO
MGSpikers@aol.com

Staff
Lisa Carlson
Executive Director, Editor

"As a funeral director, I can see cremation one day being the preferred method of disposition and I welcome this change. It may not happen in the next 10-20 years, but I believe it is coming. I believe the impact will be devastating for funeral homes that currently do not embrace the concept. It will also have a devastating impact on the mortuary colleges, licensing embalmers and the embalming students who are currently in college. Will there be a need for but one or two embalmers in a given area if the country continues to opt for cremation as the preferred method of disposal? It will bring great change. But those funeral homes who are willing to adapt and change may find that cremation is a cost effective and profitable and EASY business."

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From the mid-Southwest: "I am afraid that academia is far too sensitive to any type of opinions which are not totally complimentary and supportive. Of course, without someone telling you what might be better, where do improvements come from? My personal position is that we can and have to do more concerning this vitally important issue in order to better serve the contemporary family's wishes, instructions, and desires. . . .

"Honest to God, why in 2005 does Chemistry get more time and attention than having a full blown year course on cremation, creative funeral experiences, expansion of the helping network of the funeral home, and just get back to the basic formula of giving a bereaved family extraordinary service of what they want for a fair price?"

> Out of 400-plus pages in the curriculum put out by the American Board of Funeral Service Education, approximately two pages cover cremation and cremation merchandise.

From the mid-Atlantic: "First, I am glad that you are involved in this project! Cremation is growing so rapidly that I am afraid that our profession isn't keeping stride with the change."

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From the West coast, "Cremation and its various aspects, including techniques, laws, history, prevalence & trends, and associated services such as memorial services, are taught in a variety of classes here. Many of the intern facilities have a crematory.

"Texts used include *Mortuary Law* by Gilligan and Stueve, *Funeral Directing and Funeral Service Management* by Klicker, and of course ABFSE curriculum outlines.

"Cremation is a growing trend here and in most states, and we have never made it a policy to refer to the process in a derogatory manner. Because the process takes less technical skill, it requires less instruction. During our annual mock funeral/memorial arrangements, cremation arrangements make up nearly half of those chosen by the public that come in to work through a practice arrangement. *[Nifty idea.]*

"Thank you for asking."

The writer added to that e-mail, "It has been said that you don't always correctly represent what representatives from funeral service have told or written you. If you misrepresent what I have written here, I will publish this email."

É

Several other schools also said that cremation was covered throughout the curriculum, most with no details, references, or resources. But one school faxed 47 pages of course work outlines and examples, and a *western Pennsylvania school* sent the following that seemed very thorough, specific, and helpful—concise enough to include in this newsletter and in line with what CANA is considering for curriculum recommendations:

Funeral Management I

1. Cremation option during the Arrangement Conference
   a. Discussing cremation with families
   b. Answering questions about cremation
   c. Liability issues with cremation
   d. Permits and Authorizations required for cremation
   e. Time frame for cremation
2. Various cremation terms
   f. Cremation
   g. Crematory
   h. Retort
   i. Inurnment
   j. Niche
   k. Memorial Service
3. Cremation disposition options
   l. Earth burial
   m. Niche
   n. Scattering (Sea, space, other "alternative" methods)
   o. Family
4. Different Religious groups opinion of cremation (Catholic, Jewish, Orthodox, Mormon, etc.) *[should include ethnic, not just religious practices?]*
5. Forms:
   p. Authorization
   q. Removal of Medical Devices
   r. Receiving of Cremated Remains
   s. Authorization to Embalm
   t. When is Embalming necessary
6. Visitations for Cremation
   u. Body present
   v. Urn present
   w. Personalization

Funeral Management II

1. CANA statistics
2. Recommended practices and procedure
3. NFDA – Model Cremation Law

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4.Cremation Merchandise
   a. Caskets
   b. Urns
   c. Memorialization products offered at funeral home

Thanatology (Sociology/History)
1. History of Cremation
2. Pros v Cons
3. Advantages v. Disadvantages
4.Cost considerations
5. Economics/ Ecological considerations
6. Religious/cultural views
7. Options of disposition of cremated remains
8. Marketing cremation
9. Trending

Ethics
1. Case studies (Ex. FEO Newsletter Winter 2005)
2. Disclosures

Contemporary Professional Issues
1. Emissions issues

Communications Skills
1. Effective communication skills when dealing with cremation with regard to arrangements and when talking to groups

Funeral Service Law
1. Authorizations
2. Liabilities & case studies; damages discussed
3. Model Law (CANA) is presented and discussed

"[Our school] also has a wide range of cremation merchandise in the merchandise room with which students make presentations. Students are also very fortunate to be able to visit a crematory operation where not only does the owner/operator present a seminar regarding the technical process/liabilities/ authorizations/etc., students are also usually able to witness the process."

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To Inspect or Not?

One mortuary school educator said that schools have no responsibility for teaching students how to inspect a crematory. Yet probably 85% of all funeral homes do not own their own cremation facilities and will contract with others for the actual cremation. In doing so, the funeral home is the fiduciary and contract agent for the family. Whom do the courts think should be "responsible" for any mishaps? Just ask the funeral homes that used the crematory in Noble, Georgia. Both CANA and FCA offer probing questions for a crematory inspection: www.cremationassociation.org and www.funerals.org. Scott Gilligan, in *Mortuary Law*, recommends inspections. §

We All Have Biases, Of Course

To what extent should mortuary schools and licensing boards screen out those with such extreme prejudices that they will be unable to serve the general public ethically and fairly? One funeral director recently posted to an internet bulletin board that "Cremation of a dead human body is disrespectful." That might not be objectionable if his funeral home served only orthodox Muslims or Jews. At a time when our nation is becoming more and more diverse, however, one is bound to serve others from outside a target market. A funeral home is considered a public facility and must comply with meeting the needs of the disabled, those of any race or color, and those of any ethnic or religious persuasion, as well as gays and lesbians. Are mortuary schools confronting students with their own biases and offering ethical alternatives for dealing with them?

Right to Control Disposition

Ascertaining who has the right to control disposition should always be paramount before starting any funeral transaction, but it is of particular concern when cremation is chosen.

Cremation authorization has sometimes been a source of difficulty for both funeral directors and consumers. In the more than half the states where there is a personal preference law— where the written wishes of the deceased are to prevail—many funeral directors still insist on signatures from all next-of-kin (all adult children perhaps), a clear disregard for the law.

State law is a funeral director's best guide. With so many variations from state to state, including some which provide for a designated agent for body disposition, it would be unrealistic to expect mortuary students to learn the provisions for each. Fortunately, this information is posted on the Internet at http://www.funerals.org/pref.htm. §

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On Mortuary Science Education and Cremation

by Michael P. LuBrant

A couple of weeks ago, I received a phone call from Lisa Carlson asking for information about our program's curriculum as it relates to cremation. I thought this request was timely, since just a week earlier I had sought input from a colleague, himself an owner of the Cremation Society of Minnesota, about incorporating cremation operator certification from CANA into our curriculum. Considering that the cremation rate in Minnesota is now over 30%, it is imperative that we increase the amount of education in our curriculum which focuses on cremation services.

Last year, we engaged in an extensive review of our program's curriculum in preparation for a re-accreditation visit by the American Board of Funeral Service Education. A question that guided our discussions was that of the curriculum's relevance to the needs of consumers today. We demonstrated that cremation is discussed in several of our classes, including funeral practice, history of funeral service, funeral service law and ethics, funeral service psychology and counseling, and both our small business management and service marketing courses. In an effort to translate theory into practice, we involve students with clinical rotation experience at area funeral homes, several of which own and operate a crematory. Students have the opportunity to observe a body being cremated at a local cemetery, and many participate in operating a retort and processing cremated remains as part of their clinical rotations.

As part of our analysis, we felt we needed to do more to educate our students about cremation. One problem we noted was that not every student has the opportunity to actually operate a retort and process cremated remains as part of their rotation activities. This is something that needs to change. It is unacceptable that a student should graduate from a mortuary science program without knowing how to operate a retort. We are now investigating ways of developing relationships with local crematories to allow for student learning activities in this area. We are pleased that the Cremation Society of Minnesota has welcomed the opportunity to work with us in this endeavor.

A question has been raised in recent discussions as to whether there should be a single course (or more) dedicated solely to cremation. At our institution, we've incorporated different aspects of cremation into the curriculum where faculty members have content expertise. Our law instructor, for example, will bring case studies to class, and have students discuss issues and problems as they relate to both state and federal statutes pertaining to cremation. Likewise, the process of the oxidation of the body as it is burned is discussed in our applied chemistry course. Cremation marketing is explored in our business course work. We have found that teaching about cremation in different courses has worked well for our faculty and students.

Our program, like all of those accredited by the American Board of Funeral Service Education (ABFSE), covers the ABFSE cremation objectives stated in its curriculum outlines. Beyond the required objectives, we look to additional resources for guidance in formulating our cremation curriculum. For example, we rely on our Advisory Board to offer input in curriculum planning issues. This board, which consists not only of funeral directors, but also representatives from Hospice, LifeSource, the Lions Eye Bank, the Department of Health, and the Minnesota Funeral Directors Association, has offered outstanding counsel with respect to curriculum development and evaluation. We also solicit input from funeral directors through workforce studies and graduate surveys. In our experience, the more stakeholders we have brought to the table, the stronger our curriculum has become. These stakeholders include practitioners with expertise in cremation services.

Our focus must always be on graduating learned students who have been taught to serve survivors in an ethical manner. Such an endeavor must include outstanding cremation education. When this is the case, the consumer benefits from, and is well served by, the work of the funeral director. §

Michael LuBrant is the director of the Mortuary Science Program at the University of Minnesota, one of the few four-year mortuary programs in the U.S.

We are happy to supply multiple copies of the FEO newsletter for classroom use.

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Ethical Challenge

The following question was put to a number of funeral directors. If you have a question that you would like to see discussed (including issues that involve cemeteries, monument dealers, law enforcement, hospice, etc.), please drop us a line — news@funeralethics.org

Mrs. P calls in the a.m. to make an appointment to plan her husband's funeral. A time is set for 3 p.m. that day. You ask where the deceased's body is now, and she mentions a large metropolitan hospital. Because you're out in the suburbs, you can ask one of your city friends to do the removal. Do you go ahead and do that without any contract, knowing that it will make you look efficient and that the family is unlikely to move the body to another funeral home once you have possession? What if Mrs. P doesn't end up using your funeral home? Who should pay the city funeral home for the removal?

Mrs. P calling you with information on location of the body is more than implied consent that you are to take charge of the body. If you then call your friend in the city to make the removal, you have engaged his services for doing so, and regardless of the outcome you owe him for his services. Should Mrs. P. subsequently change her mind, she owes you for the removal.

É

In my time, we used authorizations of two types: verbal and signed. If removal performed on basis of verbal, then I'd incur all attendant risk, such as mentioned above. Therefore, I'd prefer to wait until the authorization was signed before performing the removal.

However, were I to act on a verbal basis, I'd do the removal using my own crew. Should she change her mind and go elsewhere, then w/o a signed agreement, I'd eat the charge.

The issue of efficiency arises, in my opinion, only upon the order becoming signed. Until then, it seems reasonable that the FH should "act" only upon being formally assigned the task.

É

All large hospitals are required to have refrigerated holding facilities for decedents, and the funeral director should not make any move until he receives permission (signed release if possible) to do so. If he has intentions of moving quickly, he must ask the caller if they want him to proceed to call for the body as soon as possible, prior to their arrangement appointment. If the body was in a skilled nursing facility, it would be incumbent upon the funeral director to call that facility and ask if they had holding facilities until a certain time (explain distance), and with that information call the client family and ask their instructions based on the (inability) for the nursing home to hold. Bottom line—follow the client's instructions. Don't presume and act.

É

A signed authorization would also enable you to recover in the event the person changed their mind after you'd performed the removal, which happens on many an occasion. Only in very rare instances would I have a city friend do the job. (You get a chance to view at the scene, as well as handle any other condition that might arise. After all, family would be expecting you to be the one present.)

You bill the receiving FH for the removal charges, which they in turn pass on to the family.

Instead of "efficient," doing the removal using a city friend, and before having a signed authorization in hand, sounds a little more like jumping the gun. In that case, there may be more greed or need than would seem prudent.

É

I would require a release to pick up the remains. Either the family would have to have given verbal consent for the removal or their signature would have to be on a written consent. If the suburban funeral home decided to play the odds and have the city FH pick up the body, they are liable for any charges incurred. The family as I understand would not be responsible if they did not authorize the originating funeral home to do any work.

É

Not sure how they could get a body out of a hospital unless the next of kin had authorized it released to a specified firm. Having done that indicates that she has chosen her firm. Of course, she can change her mind any time along the way. But that might incur charges for services rendered to that point. In SF, we had to bring a signed release form to the hospital, so we had to wait until the family came in unless we could do it by fax or they signed at the hospital. But I wouldn't necessarily wait for a signed contract.

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www.gravestonestudies.org

I do not ask anyone to make the removal until I have a contractual consent. The consent may be by telephone.

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We're not in the suburbs, but we do get calls from families to go to metropolitan hospitals to pick up a departed family member. Our first detail is to call the hospital and check on the status of the decedent: 1) Has the family signed for us to make the removal, 2) Has the decedent been cleared by the medical examiner, and 3) Has the decedent been cleared by the organ procurement agency. All of these details must be done at the hospitals in our state before removals are done.

If we call a third party to make a removal, we first ask permission from the family.

What if Mrs. P doesn't end up using your FH. Who should pay?

Mrs. P would have to pay for removal from either the funeral home or the removal service. I feel that she should pay the first funeral home that she contacted. After all, she did put them on alert and requested their services. They had no reason not to react and do what they should normally do.

On a similar situation three years ago . . . we were called by a hospital to pick up Mr. Doe. We asked the hospital for information as to the next of kin and were told that they could not give that information to us as it would be a violation of the recently passed HIPPA.

We sent two men and a hearse on the 90 mile one-way trip to make the removal. When we arrived we were told that the family had changed and requested another funeral home. Their reason . . . we did not contact them after we heard from the hospital. Catch 22. The hospitals changed their understanding of HIPPA due to this case.

Who did we bill for this service? No one.

É

I make all removals without a contract unless they have prearranged their funeral with my funeral home. This is still a business that relies on a family's honesty. If I have questions regarding this individual's rights to make this decision I will ask the appropriate questions. There is a chain of command in who can do what regarding the disposition of the deceased. Such as the spouse, children, executor of the estate. I have had people call to have a deceased person removed from somewhere and say, "I have Power of Attorney." Power of Attorney ceases at death. Unless they are the spouse of the individual, an adult child, when there is no spouse, or the executor of the deceased estate they have no legal rights to make any decision regarding the deceased unless they are the "householder" and there are no other known people to make the decision. This householder rule would not apply here since the death was in a hospital.

What if Mrs. P doesn't end up using your FH. Who should pay?

I would inform the receiving funeral home of the charges incurred at this establishment, just as I would if I was doing trade work for another funeral home. I would give the proper documentation for billing purposes (ie) a receipt from the trade service showing all charges. They would put it on their bill and pay my funeral home. I WOULD NOT, contact the decedent's wife for payment.

É

Given this scenario, I would agree that if the removal and transportation of the remains were not expressly authorized by the NOK, the FD had no legal right to perform the removal. Since there was no contract - no "meeting of the minds," and he apparently performed the removal anyway, as I see it, the family has no obligation to pay for any removal costs.

É

I being a greedy funeral guy should pay as I got ahead of myself trying to lock up the case. The funeral director who winds up with the case might be so happy to have the business he will assume the charge and bask in his good fortune. §

We had expected an article on how someone with a funeral home relationship can work with hospice without a conflict of interest but didn't receive it. If someone else is willing to tackle the subject, we'd be most grateful for such an article.

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How one state handles
Cemetery ~ Monument Complaints

We Can Do Better

A woman went to a funeral home to make arrangements for a viewing followed by cremation for her husband. Surprised by the high prices, she left without signing a contract. At a funeral home in the next town, the same services were $5,000 less. But there was an urn at the first funeral home she really liked. Not finding it at the second funeral home or anywhere on the internet, she went back to the first funeral home to inquire about getting it. Yes, she could purchase the urn, and she left saying she'd be back.

When she did go back to get the urn, however, she was told that the urns were only for "our" customers, and the funeral home refused to sell her the urn. Distraught, she called the FEO office.

The anti-tying provision of the FTC Funeral Rule states that ". . . it is an unfair or deceptive act or practice for a funeral provider to condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law. . . ." The only exceptions provided by the Funeral Rule are if the request is "impossible, impractical, or excessively burdensome to provide."

Catherine Harrington-McBride at the FTC was most thoughtful in rendering an oral opinion promptly, that, indeed, the funeral home was in error to refuse the sale.

Under pressure from NFDA's Scott Gilligan, Allen Hile reversed that ruling within a day or two. In trying to explain the shift, he said that the FTC can't force companies to change how they do business. I commented that I thought it was consumers who wanted the change. FEO has asked for a written ruling to define under what conditions a funeral home may refuse the sale of goods or services. Because the Rule already spells out such conditions (impossible, impractical, or excessively burdensome), we're hoping the Harrington-McBride interpretation will prevail when it is put in print.

. . . And Some Do!

One Massachusetts funeral director prides himself on doing more "welfare" funerals than any other funeral home around. He works with a local town cemetery that has made available low-cost plots, and can give a family a funeral with viewing for well under $3,000.