

# Funeral Ethics Organization

Winter~Spring Newsletter 2007



Hinesburg, Vermont

## What's in a Name?

by Lisa Carlson

Burial societies have held an honored place in civilization throughout the centuries. Some are religious, such as the Jewish Chevra Kadisha or Holy Society. Unpaid volunteers bathe and shroud the body as a gift to the dead. Others are mutual benefit societies or fraternal organizations, similar to the Greek and Roman guilds, which provide for members in times of sickness and death. The practice in Europe spread to North America.

Still found in the Illinois statutes today: The articles of incorporation of a burial society shall state: (a) The



*Union Burial Society Cemetery in Frankfort, Illinois*

corporate name which shall not resemble the name of any existing society or corporation organized under the laws of this State or authorized to transact business therein as to mislead the public or cause confusion . . . .”

Nonprofit consumer groups called “Memorial Societies” were started after the depression, in an effort to find low-cost funeral arrangements for their members, many of whom were choosing cremation and memorial services rather than a funeral and burial. When they had difficulty finding low-cost funeral providers (or

perhaps sensing a business opportunity), one of the memorial society members started the Telophase Society in California and set up his own independent crematory. Shortly after that, the Neptune Society was launched.

Today, two states forbid for-profit funeral businesses from using the word “society” in their names—New York and Massachusetts.

*from Webster's Unabridged Dictionary—*

**society**—n. 1. an organized group of persons associated together for religious, benevolent, cultural, scientific, political, patriotic, or other purposes. 2. a body of individuals living as members of a community: *a society pledging equal rights for all*. 3. the body of human beings generally, associated or viewed as members of a community. 4. A highly structured system of human organization for large-scale community living that normally furnishes protection, continuity, security, and a national identity for its members: *our American society*. 5. such a system characterized by its dominant economic class or form: *a middle-class society; an industrial society*. 6. those with whom one has companionship. 7. Companionship; company: *to enjoy one's society*. 8. The social life of wealthy, prominent, or fashionable persons. . . .

But in other states, the funeral industry has been quick to mimic the nonprofit groups in their naming—

- Northern Nevada Memorial Cremation and Burial Society, in Reno
- The Cremation and Burial Society in Richmond, Virginia
- The Ohio Memorial and Cremation Society in Columbus.

When the nonprofit Memorial Society of Greater Columbus complained to the Secretary of State that consumers would be confused by a business of nearly the same name, the state refused to do anything about it.

The real shock for the consumer groups came when the Funeral and Memorial Societies of America (FAMSA) sent three national board members to a non-profit fund-raising school, and everyone there thought they represented the industry. The industry seemed to have won the name-game. That prompted a change to Funeral Consumers Alliance, with many affiliates quickly following suit.

Ah, but there always seem to be rascals somewhere. One funeral business in Boise changed its name to Riverside Cremation Alliance shortly after the consumer group changed. The state put Riverside out of business a couple of years later for other unethical dealings.

Undoubtedly, some of the for-profit cremation societies take such a name to imply they offer lower-cost services than typically found at traditional funeral homes. Service Corporation International (SCI) bought the National Cremation Society, allowing it to compete with other cremation outfits. At a Vermont funeral home that SCI used to own, a Direct Cremation is well over \$2,000. One family thought that was way too expensive and planned to have the body moved to another funeral home. At that point, the family was shown the price list for the National Cremation Society . . . at the same street address. Direct Cremation had suddenly dropped to \$995. But the family went ahead with the move to another facility, with a bad taste for such manipulation.

A link to “Veterans Burial and Cremation Society” ends up on a Web page for Veterans Funeral Care based in Clearwater, Florida. “Using our services will typically save your family 40% of the cost of using a traditional funeral firm,” they claim, with a nationwide network of providers. Their price for a Direct Cremation is \$925. A quick check of other cremation providers in the Clearwater area yielded prices of \$685 and \$795. And a Chicago-based Veterans Cremation Society offers cremation starting at \$695.

The Catholic Burial Society Web site has a church spire logo on every page. “The mission of The Catholic Burial Society is to offer every family an opportunity to make informed and intelligent decisions about cremation and burial by giving them an alternative to the expensive and elaborate spectacles some call funerals.” Echoing memorial society literature, their credo is “DIGNITY AND RESPECT—SIMPLICITY AND ECONOMY.”

A typical society membership generally runs \$25 to \$50, both nonprofit and for-profit. I’m not sure what the benefits actually are to become a “member” of a business, but the nonprofits at least tend to publish newsletters and hold educational meetings. The Catholic Burial Society charges a pricey \$250 membership fee to join.

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Benefits of membership:

- Full immediate family [membership], *i.e.* traditional grandparents, parents and their children (*unclear what nontraditional grandparents get*)
- Family protection plan (guarantees free funerals for dependent children and grandchildren, *not a bad gamble as most children and grandchildren out-live their grandparents*)
- Members’ purchase price versus “at need” premium cost (*must this be prepaid?*)
- No-cost pre-arrangement program (*most funeral directors are thrilled if you make your funeral plans with them rather than a competitor and couldn’t imagine charging to do so*)
- Living will registration (*with whom?*)
- 100% trusting on all funeral service costs (*required by state law anyway*)
- Administrative support to include: veterans benefits, Social Security lump sum benefits, life insurance, hospice availability, organ donation, military services (*all of which are part of the nondeclinable basic service fee you will be charged for your funeral or cremation*).

“The Catholic Burial Society is a privately owned burial and cremation society. We are not affiliated with, nor seek the endorsement of any cemetery, church, or religious group,” says one page. A funeral home in Media, Pennsylvania owns the web site.

Religious pretensions are also seen with the use of the word “chapel” in funeral home names—Chapel of the Pines, East Valley Chapel, Chapel of the Flowers. One woman called the FEO office asking how to find a funeral home that would do a secular funeral. I tried to explain that any funeral home could assist her with that, even the many “Chapels” she was finding in the phone book under “Funeral Homes.” Because she was very uncomfortable with any chapel-type setting, we had a grand conversation discussing all the other places one might hold a memorial service.

Not surprisingly, there was critical reaction from many when a cremation company set up a nonprofit organization called Hospice Cremation and Funerals, Inc. Its purpose was to collect funds to help pay for services for hospice patients. Why hospice patients are any more deserving of financial assistance than, say, someone who was a victim of a crime or other sudden death isn’t clear. Although staff assured this caller that families could go to any funeral provider they chose, it’s not hard to imagine that the cremation company that set up this organization stood to gain as well and that the use of “hospice” in its name was simply another marketing ploy. §

## Playing the Name Game: Should Anyone Really Own “Family Funeral Care”?

*by William A. Edmunds*

A storm of protest has been gaining strength among the independent funeral home community, bringing disparate groups together to combat the country’s largest funeral home conglomerate, Service Corporation International (SCI), over its trademark of the words “Family Funeral Care.”

How could a publicly traded conglomerate (SCI) claim rights to words that would lead any consumer to assume the funeral home sporting the name was family owned? Forget that these firms are not owned and operated by real families.

By filing with the United States Patent & Trademark Office in the mid-90s, SCI has used its mark to intimidate or threaten litigation against independents using the word “family” in their name, logo or printed materials.

Such has been SCI’s strategy to hold onto and broaden its markets across the United States and Canada. Not surprisingly, independents have been spurred to action,

determined to do what they could to fight SCI, most notably through the Network of Funeral Director Associations (NIFDA), a coalition of city, state, international and ethnic independent groups.

In 2003, facing growing opposition and legal challenges from independents, SCI withdrew its bid to the Trademark Trial and Appeal Board for full registration of “Family Funeral Care.” Although this victory was sweet, it was short-lived, as SCI still held its supplemental trademark, enough to maintain its claim on the words — and to negatively impact independent firms.

As the only national independent association taking the lead on this fight, in 2003, OGR, supported by NIFDA, petitioned the Patent Office asking that it cancel SCI’s supplemental trademark, stating that the mark is misleading to the public (“misdescriptive”) and generic (should not be owned by any funeral home or corporation).

Since that time, we gathered “proof of use” samples to submit to the Patent Office, documenting how “family,” “funeral” and “care” have been used historically by independent, family owned firms. Following this discovery period, we entered the testimony phase of the challenge, which is where the situation lies currently.

We realize this is an enormous task and a costly one. But David was able to face down Goliath. Maybe, backed by solidarity from the thousands of independents that have a stake in this issue, we just might succeed on behalf of the entire funeral profession. §

**William A. Edmunds** is the executive director of the International Order of the Golden Rule (OGR), “The Voice of the Independent Funeral Home.” OGR is one of the world’s largest professional associations of independent funeral homes whose members are dedicated to offering reliability, fair pricing, and dignified, caring service to families. OGR is headquartered in St. Louis. Edmunds can be reached at (800) 637-8030 or [bedumuns@ogr.org](mailto:bedumuns@ogr.org). Information about OGR and its challenge to SCI can be found at [www.ogr.org](http://www.ogr.org).

A “Prevent SCI Trademark (PST) Fund” has been established to support the legal expenses of this challenge. To contribute, send your check, payable to PST Fund (in USD) to: PST Fund, c/o OGR, P.O. Box 28689, St. Louis, MO 63146-1189.

# Investigation of the Funeral Consumer Guardian Society

by Joshua Slocum

The Funeral Consumer Guardian Society (FCGS) describes itself as an “independent, not-for-profit organization established in 1981, now serving over 70,000 Americans.” Through the use of a name very similar to that of the nation’s oldest and largest nonprofit funeral consumer advocacy group (Funeral Consumers Alliance), the use of a Web site domain name that is also similar (www.funeralconsumer.org), and through vague marketing materials, FCGS makes itself appear to be a consumer advocate group. This is misleading to the public, as FCGS appears to be intimately connected with, and operated for the economic benefit of, the Lincoln Heritage Life Insurance Company (LHLIC), a division of the Londen Insurance Company. While FCGS may be incorporated in many states under the states’ not-for-profit incorporation codes, consumer complaints and research on FCGS lead me to believe its true purpose is to sell prepaid funeral insurance.

## FCGS Masquerades as a Nonprofit Consumer Advocacy Organization

FCGS appears to have lifted certain nomenclature and marketing approaches from legitimate, nonprofit consumer advocacy groups in order to deceive the public. FCGS’ Web site refers to the organization as a not-for-profit membership “society” whose sole purpose is to give members “objective” funeral information and to help them carry out their wishes economically. The use of the word “society” connotes a nonprofit, consumer orientation.

In addition, the FCGS Web site’s reference to a “funeral home selection process based on competitive bidding . . . an innovation offered exclusively by the Society” sounds very close to the method used for decades by nonprofit consumer groups affiliated with FCA. FCA groups have long acted, in part, as cooperative buyers’ clubs, negotiating discounts on funeral services for their members.

FCGS’ approach has confused several members of the public. A caseworker in California called FCA in March, 2004, to report that a couple she was serving had been approached by FCGS about buying funeral insurance after the couple responded to a newspaper ad offering an “end-of-life planning kit.” The caseworker

visited the FCGS Web site and said “I thought they were a consumer protection group, like you.”

## FCGS Is Primarily a Front Group to Sell LHLIC Life Insurance

While FCGS’ Web site makes no mention of funeral insurance, it does include a link for the viewer to send for information on “career opportunities.” When I wrote to the email address listed, I received an email back from a LHLIC employee asking me to call one of their “recruiters.” When I did, a representative asked me whether I had an insurance license, whether I’d taken a national insurance examination, and whether I had any experience in insurance sales. I found this surprising coming from an organization that claims to be a nonprofit consumer advocacy group.

Then, I ran a “whois” search on the Internet to determine the ownership of FCGS’ Web site, www.funeralconsumer.org. Perhaps unsurprisingly, I found the site was registered to Londen Insurance Group, of which LHLIC is a division.

Company reports from LHLIC lend further support to suspicions that FCGS is merely a front for the sale of insurance. The company’s 2002 Progress Report states that LHLIC is “attacking the senior market aggressively.” Among the highlights of this attack, according to the report, are “free membership in the Funeral Consumer Guardian Society. This not-for-profit association was formed to allow consumers to plan for their final expenses and also to help families receive maximum value for their dollars.”

A LHLIC Quarterly Report from May, 2003, again lists the Funeral Consumer Guardian Society as one of several “marketing initiatives” by LHLIC. Page seven of this report states, in part:

“The Londen Group has a contract with the FCGS to do the administration for the Society. In addition, Lincoln has the exclusive right to market the Society’s services and is the only carrier that is endorsed by the FCGS. That means two things for you. First, it means that the service provided by the FCGS will be of the same high quality that you receive from Lincoln, **with the same friendly and helpful staff** [emphasis added].”

It appears that the Londen Group has more than a “contract” to administer the Society’s work. Indeed, the Executive Director of the Funeral Consumer Guardian Society, Joe Kraft, is listed as an “Agency Vice President” of the Lincoln Heritage Life Insurance Company. This fact calls into question the claim by FCGS President, George Katosic, that the FCGS is “an independent” entity (more on this below).

Reports from consumers further confirm FCGS’ primary motivation appears to be the sale of LHLIC Life

Insurance Products. Philip Downs, a former director of the Los Angeles Funeral Society (a true nonprofit associated with FCA), reports that he was repeatedly solicited by FCGS representatives to buy a prepaid funeral. Downs was visited in his home by a John Applegate, a FCGS representative. It is interesting to note that Applegate's business card bears the logo of the Funeral Consumer Guardian Society, but at the bottom it includes the phrase "Represented by Preliant Funeral Planning," and shows Mr. Applegate's California insurance license number.

Other consumers have contacted FCA to say they have been contacted by FCGS, sometimes in order to induce them to buy prepaid funeral insurance policies. Among them are John Carroll, of California, who actually purchased an insurance policy, Monica Perry, of the FCA of Idaho, an unidentified California couple (as reported by a health caseworker), and a member of the FCA of Northern California.

### Conclusion

To my mind, any reasonable person would conclude that the relationship between the Funeral Consumer Guardian Society and Lincoln Heritage Life Insurance Company is far closer than a mere mutual endorsement. In several instances, they share the same staff and officers, they appear to share some field employees, and I can find no record of any beneficial activities for the public, devoid of profit motive, performed by the FCGS. Indeed, FCGS staffers seem interested in each case in selling consumers life insurance for LHLIC. I can find no record of the FCGS or its ghostly "parent organization," the American Senior Security Association, being registered with the Internal Revenue Service as a 501(c)(3) organization.

FCGS has provided FCA with no substantive documentation describing the organization, mission, finances, or bylaws of the Society — documents one would expect that any legitimate, nonprofit consumer organization would be glad to make public.

By presenting itself to the public as a nonprofit consumer protection organization — through words, phrases, and literature uncannily similar to those used by Funeral Consumers Alliance — FCGS has packaged itself in a deceptive fashion in order to lure unsuspecting citizens into purchasing life insurance. §

Joshua Slocum is Executive Director of Funeral Consumers Alliance. This report was first written in December 2004. State agencies have not been responsive to complaints filed by FCA regarding these misleading practices.

### *Editor's note:*

Check out the membership form on the FCGS Website— <[www.funeralconsumer.org](http://www.funeralconsumer.org)> to see how to join and give away your member rights all in one check-box. What a hoot!

Lincoln and Londen are not the only insurance companies with bogus "membership" organizations or groups. Few states regulate group insurance, assuming that those running the group will do due diligence in selecting their insurance providers. So by avoiding state regulation, insurance companies can avoid any oversight of their investments or fiscal management, too. See back cover for one bad example of what can happen.

## Obit Chasers

*by Joy Fagan*

This summer a client at a Vermont Cemetery Association cemetery brought to light a serious complaint which opened the eyes of some of us to a reprehensible and unethical so-called marketing method which brings shame to our industry. Since the initial complaint I have looked further into this unsavory practice and find that it is not limited to just one memorial company in the state. This practice involves reading the daily Vermont obituaries and then soliciting the bereaved to purchase the company's memorials.

Those of us cemeterians who learned about this are shocked and appalled at such procedures. Excuses told to me include that the techniques of soliciting the bereaved did result in some memorial sales. Such harassment of the bereaved in our industry is akin to ambulance-chasing.

With the permission of the family I quote the contents of one such letter written to a recently bereaved family with its name deleted:

**Dear Family Members of Mrs. \_\_\_\_\_,**

**In writing this short letter we would like to express our sympathy and understanding for you all with the loss of a loved one.**

**The sense of personal loss at the passing of a beloved family member is natural. We understand and respect your need for privacy in your bereavement.**

**We do not wish to intrude on your time, but if we may be of assistance regarding the enclosed, please feel free to contact us.**

## Ethical Question

**We have been serving the public since 1919 with the highest quality memorials, material, craftsmanship and workmanship in the trade. We are in our 3<sup>rd</sup> generation and have assisted families, sold and erected over 30,000 memorials in our 70 years of experience.**

**We would like to help you and your family in choosing a memorial. Do not hesitate to stop by and visit our large wide variety of styles and designs to choose from display and discuss the possibilities.**

**Thank you for your time.**

Upon reading the letter, the family was deeply offended to be intruded upon in their time of mourning. The letter clearly states that the company understands and respects the family's need for privacy and yet sends this intrusive and crass letter. It also states that the company does "not wish to intrude on your time..." yet proceeds to do exactly that.

The letter not only continues with its inappropriate sales pitch, but also includes commercial pamphlets advertising its wares.

This type of marketing smells of conglomerates. We are Vermont cemeteries. We bury our families, our neighbors and our friends. To prey upon the bereaved with untimely sales pitches is an anathema to the caring and compassionate atmosphere which is a hallmark of Vermont's so-called death industry.

We, in the industry, deal with our clients at the most vulnerable and defenseless times in their lives. Certainly you may make some sales by invading the privacy of mourners, but at what price? Is it worth making a sale to a family which was too distraught to say no or to express their true feelings about your intrusion? If it is necessary for you to use offensive methods such as obits reading to make your sales, obviously there is something wrong with your products, your approach and/or your understanding of bereavement and the purpose of the industry.

I suggest and, in the strongest manner possible, urge these memorial companies, rather than approaching the bereaved in such an unscrupulous manner, that they educate the public through radio, television, the print media, open houses and other inoffensive ways. Show the public that you care by allowing them to consider your product at a time they can make a rational and informed decision. Bereavement is not that time.

Joy A. Fagan is President of the Vermont Cemetery Association. This article first appeared in that association's newsletter and is reprinted with permission.

**Is it ethical for a for-profit business to use the word "society" in its name and charge a membership fee?**

What a great question. I used to find the use of the term "society" irritating when used by a for-profit business. The Neptune Society is the most prominent example I can think of. The term connotes to me something that is by and for the members of the society. There is a connotation that a "society" is membership driven. As the lines have blurred between for-profit and not-for-profit providers, the term "society" has been used widely as another term for a business, like "company." When I had the opportunity to brand the "Cremation Society of Colorado" I moved on it with the belief that if the public is going to associate a provider of simplicity with the term "society," we needed to be there. We have not charged a membership fee. It's a bit of a mystery to me why people pay a fee to any "society," for or not-for profit, when they receive little or nothing of value in return.

Sometimes I think you wear your girdle too tight! The usage of the term "society" has been worked to death. No problem for a for-profit to be a society. As for membership fee, also no problem. Ever joined a Costco? Methinks you have been nipping on the cooking sherry again!

I believe it is confusing to call a for profit business a society. It is not necessary. Many lower cost cremation and burial businesses do not use that word in their name.

It seems that the identity as "society" has not generated much (or any) complaint from the general public. It somewhat identifies a benevolence that attracts those looking for simplicity. I have owned two companies with that name style for many years and have never been criticized or challenged. We do not charge a registration fee, but that rather well explains its purpose. The purchaser feels he/she is "connected" as a "member" and therefore recognized as a patron both now and at the time of death. The opportunity to leave instructions without prepayment is comforting to many, and they receive a "membership card" that is helpful to family or institutions to identify prearrangements and intentions for care.

While the term society may be somewhat a name implying some non-profit status, I don't think it's illegal to do so. The ethics of such a name perhaps is questionable. As to the other part of your question, one can be a member of a business. The best example may be a health club.

We know it is mis-leading having dealt in markets where Neptune and similar business models operate. Consumers universally think they are 'members' of a non-profit organization. So logic says if it is mis-leading, it is unethical, right?



To me "society" is a body of persons united for a common interest, belief or profession. I think in our "society" today the words "association" and "society" have become mixed together. In our area some banks (which are certainly for profit) use the word "society." Frankly a society probably would not exist unless there was some profit made!



I agree that a for-profit business cannot label itself as a society. It is assumed that a society will use all members funds to provide those services that it exists to provide.

The question comes about what is for-profit. If it is structured like a credit union where any year-end profits (after maintaining a contingency fund which only should be a portion of the yearly budget) are paid back to the members as a dividend of some sort, then it is ok to be called a society. Regular employees should be compensated fairly and competitively with similar positions in the region.

If, however the executives get a portion of the profits other than dividends they receive as a regular member, then it is clearly not qualified to be a society. Board members should receive no compensation either except expenses associated with attendance at meetings.



A society is a group of people who are bound together for a common interest, standards and companionship. The bond is usually made up of their mores, folkways, and attitudes that have developed from their upbringing or life experiences.

A business for profit that projects itself as a society can be misleading to anyone who is looking for a business who holds the same values as they do. Any establishment who advertises itself to the public and makes a profit to stay in business and calls it's self a society can be misinterpreted that only "certain" kinds of persons can belong to the society excluding all others. .

An organization can become a society and charge a membership fee to cover the cost of operation and not in business for profit is not unethical. By charging a small membership fee the society can direct the members to other businesses who have the same values, and who are in business to make money.

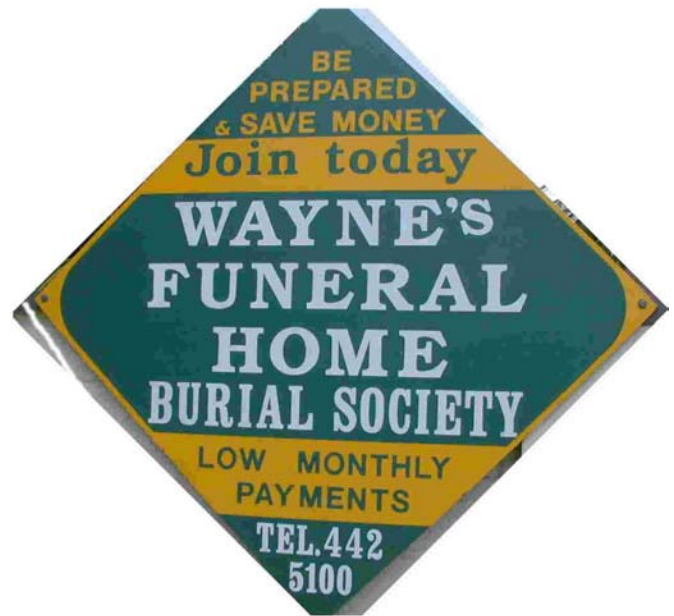
Usually to become a member of a business for special pricing the business will charge a membership fee to cover operational cost. On the other hand a business for profit cannot exclude any one because they do not have the money for the membership fee. For example

Costco or Sam's Club charges a membership fee to belong for the discounted merchandise, but if a person want to shop they can get a one-day membership and receive the same benefits as the regular member.

In conclusion, to advertise a business as a society to entice customers to use them to make money cannot be considered ethical.



*If you would like to be on the e-mail list that is sent these ethical challenge questions, just shoot us an e-mail: [lisa@funeralethics.org](mailto:lisa@funeralethics.org)*



*An Internet search turned up this burial society is in Grenada.*

### **FEO Board of Directors**

The Secretary of the Funeral Ethics Organization has moved that the following uncontested slate of candidates to be added to the Board of Directors:

- Bob Mayer, embalmer, Pittsburgh, Pa.
- Mack Smith, Board of Mortuary Arts, Topeka, Ks.
- Kevin Waterston, CANA, Minneapolis, Minn.



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on-line  
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*Winter~Spring 2007*

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## **We Can Do Better**

➡The New Hampshire Insurance Department has placed ACA Assurance in “rehabilitation” due to accounting errors and excessive expenses. ACA Assurance is a fraternal benefit society to maintain French Catholic culture and language. Providing insurance seems to be its major activity, however. Funeral directors are being notified that as a result of the financial circumstances of the company, there will be a 12% reduction in any funeral insurance paid. Policy-holders are also being notified of the 12% reduction in their benefits.

Generally, cash surrender value is pennies on the dollar, but even that amount would be reduced by 12% if one wanted to take the money and run.

The dividend rate during the rehabilitation period will be 0%, meaning there will be no growth in funds during that time to cover inflation.

Given these circumstances, there are three unpleasant options: the funeral director can absorb the loss, the funeral director can hope the family will pay the additional, or services can be curtailed.

➡ The note on the vestibule table asked funeral attendees to sign a clip-board with their name and address if they would like to receive a copy of the obituary and a prayer card for the deceased. Two days later, one attendee opened the door to a caller, a preneed sales rep. She was irate enough to write

to “Dear Abby” who was irate enough to call the FEO office. With the power of “Dear Abby,” there may be a hard time meeting preneed quotas for a while.

## **. . . And Some Do!**

➡The Montana Funeral Directors Association sponsored legislation aimed at limiting competition and the rights of families to care for their own dead. The public backlash was pretty hostile, and the bill was quickly tabled. But one funeral director was brave enough to write a letter to the editor saying that not all Montana funeral directors supported such a bill. Not hard to imagine which funeral home people will remember favorably.

➡One large-city funeral home uses an older woman to do the removals for all infant deaths, so that there can be a sympathetic mother figure in any contact with the baby’s mother.