

mation services the cemetery provides.

Unfortunately, a lot of other cemeteries take a different approach. Some cemeteries even use the legal concept of *constructive delivery*, in which they consider a headstone or vault that you buy to be “delivered” (and therefore, used) after they hand you a receipt for the product, Slocum says. Outrageous!

You don’t even have to change your mind to run the risk of losing money on a pre-need deal, it seems. Angela Maney-Sorrell, who worked for 21 years at Eternal Hills, which is an SCI-owned cemetery in California, says she saw numerous cases in which sales staff sold burial contracts that were worth thousands of dollars to consumers for only 3 percent down. She says it frequently was obvious that the customers were sold more than they could afford and that many of them defaulted on their payments, which resulted in the cancellation of their contract.

Because their payments went toward their burial plot first, the consumers didn’t receive a refund upon cancellation, and they lost the plot if they hadn’t paid the balance in full. (They got a credit toward another plot, which was good for 1 year.) When Maney-Sorrell complained about this and other unethical practices that concerned her, she says, she was chastised by management for putting her customers before the company. She later was demoted and transferred to another cemetery far from her home. She sued her former employer, and at press time her case was about to go to trial. SCI wouldn’t comment on Maney-Sorrell’s allegations because of the lawsuit.

FRUSTRATING FEES. Although consumers who forgo pre-need purchases avoid the pitfalls and dangers of those transactions, the loved ones of these consumers (called *at-need* customers in industry parlance) face another set of challenges. Cemeteries are not included in Federal Trade Commission’s Funeral Rule, which regulates funeral homes. Among other things, these regulations require funeral homes to provide printed price lists for products that they sell. It requires full disclosure of the laws that govern funeral sales and allows you to buy products and services individually, instead of being forced to purchase a

package that might contain unwanted items. It also forbids funeral homes from refusing to handle a casket that is bought elsewhere or from charging a fee to do so.

The practices that are prohibited by law at funeral homes are rampant at cemeteries, critics say. Those critics say cemeteries often charge consumers different prices for the same merchandise depending on how much they believe that a consumer can pay. Aggressive salespeople often push grief-stricken consumers to buy more than they need or originally wanted, and to buy all of their burial-related products from the often overpriced cemeteries. Consumers might be able to get a better price on a vault or headstone by purchasing it from the funeral home or an outside vendor. But Jacobi and Slocum say consumers regularly complain to their groups that cemetery workers tell them that they must purchase these products from the cemetery. And if customers purchase products elsewhere, they are punished with onerous “inspection” fees that the cemeteries can request for outside products—amazingly, even when the product comes from the same vendor that the cemetery uses, experts say. The “bogus inspection fees” can run up to a few hundred dollars, Slocum adds.

Even more unscrupulous are the “installation fees” that a cemetery charges on outside monuments—even when the monument company is the one that installs it. According to Jacobi, who also serves as the consumers’ advocate for Monument Builders of North America, depending on the state in which you live,

cemeteries can charge \$1 per square inch as an installation fee for monuments, whether they install it or the monument company does. This fee (which also may be called a *setting-fee* or a *monument maintenance fee* by cemeteries) can run well over \$1,000 on a modest headstone.

These problems are just some of the reasons why Rep. Bobby Rush, D-Ill., introduced a bill in September 2009 that would bring the cemetery industry—including those that are owned by churches and municipalities—under FTC’s Funeral Rule. At press time, the bill was in subcommittee, so we don’t know when—or whether—it will become law. Even if Rush’s bill becomes law, it likely won’t fix everything. The bill fails to address issues that fall outside the purview of FTC, which include regulating pre-need and perpetual-care trust funds. Although the bill requires cemeteries to keep better records and maps of burials, it doesn’t go nearly as far as the new Illinois law that creates a database where all burials are recorded. And the bill does nothing to address the outrageous issue of refunds.

It’s sad to say that, for now, you are largely on your own when it comes to cemetery transactions. Forget ghosts and goblins. Because of unscrupulous salespeople, managers and owners, too many cemeteries live up to their reputations as truly scary places. ●

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