

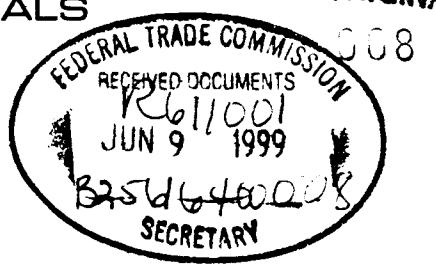
WATTERS CEMETERY MEMORIALS

618 EAST WASHINGTON STREET

NEW CASTLE, PA. 16101

PHONE 652-7972

June 7, 1999



Secretary, Federal Trade Commission
16CFR Part 453
Room H-159, 600
Pennsylvania, Ave. N.W.
Washington, D. C. 20580

Dear Sir:

I am writing in regard to the unfair practices of several of our local funeral directors and cemeteries in the selling practice of cemetery memorials. I have had customers come in and tell me the funeral director would not give them a breakdown of their costs and one funeral director told a customer that if he bought a casket from someone else he could hide the cost easily so that he would still pay as much for a funeral. They have such an unfair advantage over the memorial dealer as they catch them at a time of sorrow right at the funeral home. They place a few memorials in their yard or basement--have no money invested in machinery--are only interested on making a quick commission on a sale.

They have a law in Massachusetts, 239 CMR 3.02 Corporation, which should become nationwide.

I am sending you an article that was published in our local newspaper which should explain it to you. If you have any questions, please don't hesitate to get in touch with me.

I personally feel the consumer is being taken advantage of by the costs of many cemeteries for care and maintenance.

Yours truly,

Don Watters

Don Watters

The Commonwealth of Massachusetts

Secretary of State

Regulation Filing and Publication

1. REGULATION CHAPTER NUMBER AND HEADING: 239 C.M.R. 3.02 - Corporations
2. NAME OF AGENCY: Board of Registration in Embalming and Funeral Directing
3. READABLE LANGUAGE SUMMARY: State the general purposes and requirements of this regulation as well as the persons, organizations and businesses affected.

These amendments, promulgated at a public hearing March 15, 1983, will clarify the conditions under which business entities may engage in the business of embalming and funeral directing, and would require funeral businesses to display the names of the licensees.

The amendments would also regulate solicitation and referrals of business by embalmers and funeral directors and would prohibit embalmers and funeral directors from engaging in related businesses.
4. AGENCY CONTACT FOR ADDITIONAL INFORMATION: Board of Registration in Embalming and Funeral Directing
Address: 100 Cambridge St., Boston, Ma. Telephone 727-3076
5. STATUTORY AUTHORITY: Amendment to the rule has been adopted under the authority of General Laws, Chapter 112, Section 85.

The Regulations Division will complete the following 6 and 7:

6. PUBLICATION: Massachusetts Register Number 358 Date 4/7/83
Code of Massachusetts Regulation Volume 10 Page —
7. EFFECTIVE DATE: 4/7/83

239 CMR: BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING

239 CMR 3.02: Corporations is amended by striking out the entire section and substituting the following:

3.02: Embalming and Funeral Directing; Related Businesses; Advertising

- (1) (a) No corporation, partnership, association or other similar business entity which is engaged in the business of funeral directing shall engage or hold an interest in any other business.
(b) No corporation, partnership, association, or other business entity shall engage in the business of Funeral Directing unless a controlling interest in said entity is held by a licensed Funeral Director or Directors, and unless the business of said entity is under the charge of a licensed Funeral Director.
- (2) Every Funeral Directing business shall display to public view and in all advertising the name of every registered licensed Funeral Director who owns or is employed in such business.
- (3) (a) No Embalmer, Funeral Director, or funeral establishment shall engage or employ anyone who is engaged in any business related to the disposition of human remains other than Embalming and Funeral Directing. An establishment which permits any business related to the disposition of human remains to operate or advertise on its premises, and an Embalmer, Funeral Director, or funeral establishment which operates or advertises on the premises of, or permits his or its name to be used (other than in uncompensated referrals) in connection with, any business related to the disposition of human remains, shall be deemed to be engaged in such business.
(b) No Embalmer, Funeral Director, or funeral establishment shall, directly or through any person acting with his or its knowledge or consent, express or implied, solicit for human remains (except through general advertising), or give anything of value to anyone who solicits or refers any business to said Embalmer, Funeral Director, or funeral establishment.
(c) No Embalmer, Funeral Director, or funeral establishment shall, directly or through any person acting with his or its knowledge or consent, express or implied, solicit or accept anything of value in consideration or recommending, referring, or employing any business or service related to the disposition of human remains. An Embalmer or Funeral Director who, directly or through any person acting with his knowledge or consent, express or implied, recommends or employs any business related to the disposition of human remains, shall be deemed to have accepted something of value if said business is owned, controlled, or operated by a relative of said Embalmer or Funeral Director; provided, however, that this rule shall not apply if said business is included without comment in a listing of all businesses offering the same or similar goods or services within the city or town in which the funeral establishment is located, or in a listing which includes at least five other businesses offering the same or similar goods or services.
(d) For the purposes of this rule, a person shall be considered to be a relative of an Embalmer or Funeral Director if he is spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, halfbrother, halfsister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, niece, nephew, uncle, or aunt of said Embalmer or Funeral Director.
(e) For the purposes of this rule only, sale or provision of goods or services other than those listed hereafter shall be not be considered a part of the business of Embalming and Funeral Directing: consultation and arrangements concerning the disposition of human remains; removal of the body from the place of death; transportation of human remains; embalming; restorative and cosmetic (including hairdressing) work performed on human remains; dressing and retail sale of clothing for use in dressing human remains; casketing and retail sale of caskets and outside containers (vault or liner); arrangement of prices for and disposition of flowers used in funerals or funeral services; arrangement for obituaries and death notices in the newspaper, radio, or television; cemetery arrangements; provision of hearses, flower vehicles, limousines, and sedans in connection with a funeral; arrangement for religious services and clergy at the interment; provision of assistants during visiting hours and at the funeral service; securing and processing required documents, such as death certificates, burial/transfer permits, certified copies of death certificates, and visas for foreign shipment; making arrangements with medical examiners and securing autopsy reports; and provision of acknowledgement cards, register books, local and long distance telephone messages and telegrams.

REGULATORY AUTHORITY

239 CMR 3.00: M.G.L. c. 112, s. 85.

Care fee irks stone provider

By Judy Hruska
News Correspondent

Don Watters Sr. believes some local cemeteries are cashing in on his business.

The co-owner of Watters Cemetery Memorials on East Washington Street said a few local cemeteries sell their own bronze markers, which eliminates his job entirely. He also said that those cemeteries charge lot owners a memorial care fee even if the stone is installed by an outside memorial company.

"We do all the work and some of the cemeteries want to charge customers over \$400 for what they call memorial care, layout and inspection," Watters said. "There is no memorial care, there never was and never will be. It's a bunch of malarky and I have to be the one to tell the customers about the extra charges."

Layout and inspection service should cost no more than \$50, he said.

Watters presented a letter dated July 22, 1998, in which attorney Mitchell A. Kramer of Rydal, Pa., wrote: "Pennsylvania law requires cemeteries to put into trust 15 percent of the price they receive from all cemetery lots, the income of which is to be used to maintain the cemetery."

Therefore, to tack on an additional fee is overcharging the public, Watters said. But according to Gale Schaible,

manager of Graceland Cemetery, a

cemetary in Ellwood City, she added. "I think some cemeteries in Lawrence County are fair," said the co-owner of Joseph N. Chill & Sons Memorial. "And some of the cemeteries will work with you on those fees."



Memorial stone craftsmen Don Watters Sr., left, and his son, Don Watters Jr., are struggling to keep their small New Castle operation afloat.

Builders of Pennsylvania Inc. and the American Cemetery Association, determined that the practice of cemeteries charging a memorial care fee was legal and customary. Three years ago, Graceland started charging 25 cents per square inch of each memorial. This is one of the lowest fees locally.

According to funeral directors and memorials companies, Castle View Cemetery charges the greatest memorial fee locally. However, attempts to reach someone at Castle View for comment were unsuccessful.

"We need the revenue coming in to fix the roads and pay for a \$70,000 loan," Schable said. "In the

past, the cemeteries have been able to maintain simply by selling graves, but that's not very much money to open the graves and that's not enough money to maintain a cemetery." The memorial fee is placed in a trust fund, which also covers liability insurance should a stone be damaged by cemetery equipment, she explained.

John Steckman, majority stockholder for Steckman's Monuments in Ellwood City, said he doesn't agree with the practices of some of the local cemeteries either, but doesn't think they'll hurt his business to a great degree.

"Graceland and Castle View sell fees."

Matthew S. High/NEWS

Full Story

Slippery Rock, mining company reach agreement

By Debbie Wachter Bonnie
New Castle News

A couple of Slippery Rock Township residents whose opinions were considered to be too loud and unruly by the supervisors at their meeting Monday were removed by constables.

The residents have been attending the meetings for several months, opposing plans of Quality Aggregates Inc. of Neville Island to close McConnell's Mill Road during its proposed limestone operation. The road is one of the access roads to McConnell's Mill State Park.

The supervisors, tired of the shouting, asked the constable to attend Monday's meeting.

The supervisors reached an agreement with the mining company, which worked out several concessions in exchange for the township allowing it to proceed with its work.

The agreement was written for the township by attorney Richard Harper, hired because the law firm of the township's regular solicitor, Donald Nicolls, had a conflict in representation in the matter.

The stone company has not yet ratified the agreement. The agreement includes the following concessions:

- Quality Aggregates has agreed to tar and chip Mt. Hope Furnace Road from McConnell's Mill Road to its dirt haul road.

- The company will build a temporary road to township standards

around will be installed if necessary, according to the agreement.

• Quality Aggregates will maintain the road and keep it safe for public use. Detour signs will be posted.

• McConnell's Mill Road is to be closed for no longer than three years, and will be restored to township standards. A road bond will be posted with the township. A hump will be lowered and the banks on both sides taken down to road level. Signs will be posted for the crossing at McConnell's Mill Road at 1,500 feet, 1,000 feet and 500 feet. Four-way stops with flashing lights will be posted.

• The company will reimburse the township for any state liquid fuels funds it loses from the Pennsylvania Department of Transportation while the road is out of service.

• Quality Aggregates will remove a hump at the intersection of Fisher and Mt. Hope Furnace roads.

Although it is not part of the agreement, Quality Aggregates has offered to donate the royalties from the stone under the road to the Slippery Rock Township Fire Department, Princeton.

This is the second time Quality Aggregates Inc. of Neville Island approached the supervisors about closing a section of the road. The company requested it last year, and withdrew its plans after the public outcry.

Supervisor Charles Gross has not voted on the issue because he is leasing his property to the company.

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CALENDAR

Today

- Support group: Divorce Care, a 13-week class, 6:45 to 8:15 p.m., First Baptist Church library. Call: 658-2507.
- Nature program: "Chipmunk & Bear," and "How Butterflies Got Their Name," 6:30 p.m., McDane's Launch, Moraine State Park North Shore. Tickets: \$5.50 for adults, \$3.50 children 12 and under. Call: 368-9185.

Thursday

- Blood pressure check: By Hospice of St. Francis, 9:30 a.m. to 2 p.m., Kmart, Lawrence Village Plaza.
- Line dance classes: For 55 and over, 1 p.m. to 2:30, First Presbyterian Church, Recreation Center, 125 N. Jefferson St. Call 652-8690.
- Annual meeting: Wilmington Area AARP board, 1:30 p.m., Bair Foundation, High Street.
- Meeting: Tri-County Quilters Guild, 7 to 9 p.m., Presbyterian Church of Portersville. The church is opposite Pa. 488.
- Meeting: Jameson Retirees, 1 p.m., Hito's Restaurant.
- Meeting: Jameson Caring Communicators Toastmasters Club, 4:40 p.m., Jameson Hospital's dining hall conference room.

- Support group: "Choices: Right or Wrong" 1 p.m., Harbor House of Prayer, Harbor Road. Call 652-4370.
- Meeting: Lords of the Castle, barbershop chorus, 7 p.m., Hill View Manor, Ellwood Road.
- Skating sessions: 10 a.m. to noon, Hess Ice Rink, Pearson Park. Admission: \$3.25/\$1.75 skate rental. Call: 658-6332.
- ALATEEN: 8 p.m., Northmin-

Stone

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unfair to the people to do this kind of stuff.

"We have the right to sell caskets. That's not my line," Watters added.

Because his business depends on walk-in customers, deciding not to comply with funeral directors' wishes may put an end to his business, Watters said.

Don Watters Jr., a co-owner of Watters Memorials, backed up his father's feelings.

"It's only common sense," he said. "You wouldn't come to me for a funeral. So why would you go to them for a stone? What do they know about it? All they're looking for is a commission. It's one-stop shopping."

Roger Cunningham, funeral director at R. Cunningham Funeral Home, said there is a growing trend across the country for funeral homes to serve as a total supplier of all aspects of the funeral business.

"Our main concern is service to our families," he said. "Naturally, if a family comes to me and says, 'We need a marker,' I'm more than happy to help them get one. If they say they want to buy from Watters, or wherever, that's fine, too.

"That's why we originally went to Don Watters and told him this is the way the trend is going. In business today, basically you have to go with the trend or you get left behind."

While Watters was unwilling to give Cunningham a commission to sell stones, William Chill, co-owner of Joseph N. Chill & Sons Memorials, thought the proposition was a good idea. The two businesses have been working in cooperation for the past four to five years. Chill also works with other funeral homes.

"Cunningham's main concern

loved one has died. In these cases, it is appreciated when the funeral director handles all the arrangements.

"This is a trend that has been in the country for maybe 20 to 25 years. It's nothing new," Chill said. He added that he has not made a decision by adding to his prices.

"I lose a little on my end on each stone, but I make it up on the volume end. It works real well. I don't have to pay a sales rep to sit here and make sales. It's a change, but that's the way it is today. Things were different in the '50s and '60s," Chill said.

John Steckman, majority stockholder for Steckman's Monuments in Ellwood City, said he has found it better to go along with the changing times, rather than become a part of a dying art.

"It's either you sell to them or they go directly to the manufacturer in Vermont and buy," he said. Steckman admitted he's had to raise prices.

"You have to pay a funeral director 15, 20, 30 percent. You can't take that out of your profits because we're working on slim margins. We have to charge the customers more and they're the ones who are suffering in the long run," he said, adding that walk-in customers can receive better prices.

Although the increase in volume sales helps somewhat, the loss is too much to make up by selling more stones through funeral homes, Steckman said.

Gary Bonelli, funeral director at Noga Funeral Home Inc., said memorials on display there are purchased from the same suppliers local memorial dealers use.

"If families want to purchase from us, that's fine," Bonelli said. "If they want to go elsewhere, it's a free country. That's the way life is in America. If you want to diversify your business, you can do that."

Bonelli added that Steckman is now in the marble counter top busi-

SEARCH

ENTERTAINMENT