

Spotlight Review

President's Report

By: Ann Marie Samuel

Hello Friends,

As the summer comes to an end and a quite dramatic end for some, I hope everyone has had the chance to enjoy some fun with family and friends. While I sit here reviewing the articles I see how it has been productive in many ways for our organization.

I would like to encourage everyone to look at the VCA website and have it become a part of your weekly or daily routine. There are many opportunities to network and get resources for "challenges" that some have experienced to which may be currently effecting you or will do so in the future.

During the month of July I had the opportunity to attend the SFCA conference in Tennessee. That was a great conference and I would encourage you

to take the time to attend next year. The conference has different states involved which give you a lot of different ideas and thoughts for individual parks. Thanks to Randy Gleason for writing the article!

As you review the newsletter you will see that our membership continues to increase and this is all due to the determination and follow up by our **EXCELLENT** association management company – Diane Munn. I will never be able to thank her for all the dedication and professionalism she has given to the VCA as well as her help to me personally. She is definitely the reason our organization has been as successful with the membership and conferences! If you ever need to ask a question or get direction on where to

go for something, please feel free to contact her – she is the BEST!

I hope everyone has received information regarding the 3rd Mid-Atlantic States Cemetery and Funeral Conference. I also hope you will make plans to attend. This program is always exciting and our own John Bolton will be a speaker! I heard John speak in Tennessee and even with that accent he is an interesting speaker who involves the group and keeps the topics interesting. And he likes for the audience to ask a LOT of questions. Great job John!

I am looking forward to seeing you in Atlantic City on November 1–3, 2006 and in Virginia Beach at our annual meeting in June 2007.

"Creating Possibilities" November 1-3, 2006

The 3rd Mid-Atlantic States Cemetery and Funeral Conference is being held at the Tropicana Casino and Resort, located on the Boardwalk in **Atlantic City, NJ**. This year's conference theme reminds us that opportunity doesn't always knock; sometimes

we have to go find it. We have assembled a diverse cast of owners and operators from across the country whose passion and devotion to our industry makes them willing to share with you the secrets to their success. They are "real" people, who work hard everyday, to make

their business the best it can be. Please join us this fall. We guarantee you will come away with ideas to help your implement their winning strategies.

Virginia Cemetery Association

Founded 1948
September 2006

Special points of interest:

- *2006 Fall Conference—3rd Mid-Atlantic States Cemetery and Funeral Conference.*
- *VCA 59th Annual Meeting—June 7-10, 2007. Sheraton Oceanfront Hotel, Virginia Beach, Va.*
- *Pandemic Flu Preparations.*
- *VCA Website.*

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VCA's 59th Annual Meeting- "Catch the Wave"

By: Vice President and Program Chairman—Jeff Hodes

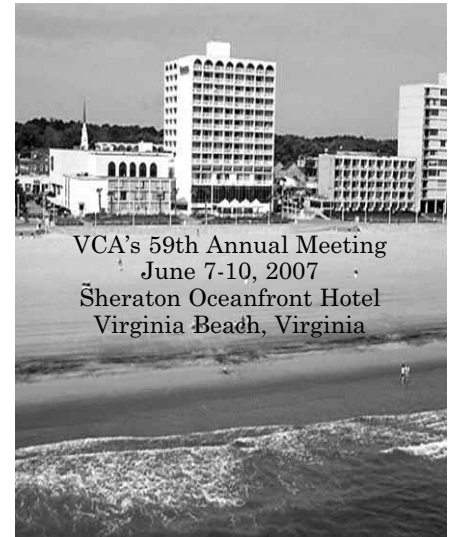
I hope everybody is ready for the beach. We have been assured that for our annual 2007 conference (June 7 – 10) that it **will not** snow on Friday Morning. So, NO missed events because the roads are covered with white stuff.

That being said we are planning the sequel to the superior Survival Meeting of 2006, but like the show we will be in a different environment with an all list of top notch instructors. In 2007 we will gather the participants together at the beautiful Sheraton Oceanfront Hotel in Virginia Beach, Virginia. We will have Plenty of Sun and Fun (while you are not at the educational

events). We will have all new challenges and obstacles to bring to the table to talk about and listen to solutions from experts that have and are surviving that will make you and your Company the TOP SURVIVOR.

So plan on being with us and "Catch the Wave" as we bring new ideas that people can *catch* onto now and *carry* yourselves into the future.

- Bring your best Survival Tips
- Bring the sharp mind that makes you the winner and sharpen your sword on the ideas and inspiration of others.
- Bring your team to the VCA annual meeting on 7 – 10 June 2007 in Virginia Beach, Va.



The Southern Cemetery and Funeral Association (SCFA)

By: Randy Gleason

The SCFA held their annual meeting on July 9th through July 13th at the Cool Springs Marriott just outside of Nashville, Tennessee. There were several attendees from Virginia including our own Ann Marie Samuel, Mike Doherty, John Bolton and myself. Congratulations to Ann Marie Samuel who was elected to the Board of Directors of the SCFA and also to Mike Doherty who is currently serving as Secretary of the Board of Directors for the SCFA.

It was an extremely strong program. One part of the program that I particularly enjoyed was an equipment rodeo. They had backhoe competition as well as mower races and a race to see who could put up a tent the fastest.

There was the customary golf tournament but they also had a horseshoe tournament where yours truly came in second (Not because I was any good but my partner was).

Anyone who has not gone to a

Southern meeting really should consider going. Next year the Southern meeting will be held at the Sawgrass Marriott Resort and Spas in Ponte Vedra Beach, Florida. Nancy Lohman will be the Program Chairman and this will be a spectacular meeting.

Hope to see everyone on November 1st to 3rd in Atlantic City, N.J.

Welcome New Member

Wise Benefits, Inc.

William (Willy) C. Wise Jr.

306 E. Main Street

Richmond, Virginia 23219

Office—804-782-9473

Fax—804-782-9475

Email: ww@wisebenefitsinc.com

Willy Wise was a cemetery owner and operator in Richmond for 17 years before being acquired by Stewart Enterprises in 1994. Willy and his father were Past Presidents of the VCA (1989-90 and 1972-73 respectively). Willy started his Employee Benefits career in 2000 and handles employee benefits for companies including health, life, dental, disability insurance and payroll

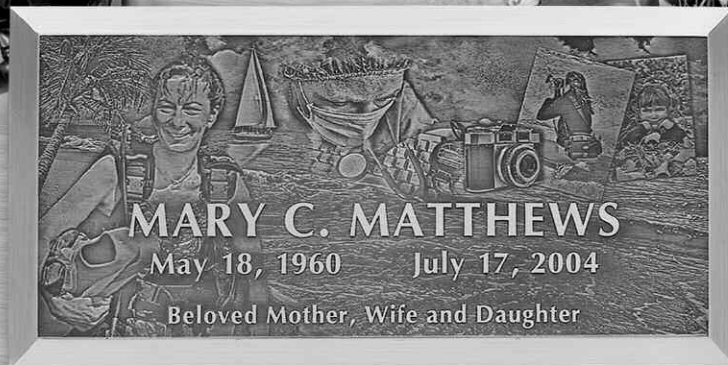
services. Other services offered through his affiliates include Section 125 and COBRA services.

Please continue to recommend the Virginia Cemetery Association to your business associates, suppliers, and vendors. It is through continue growth we are able to offer more educational programs for our members.

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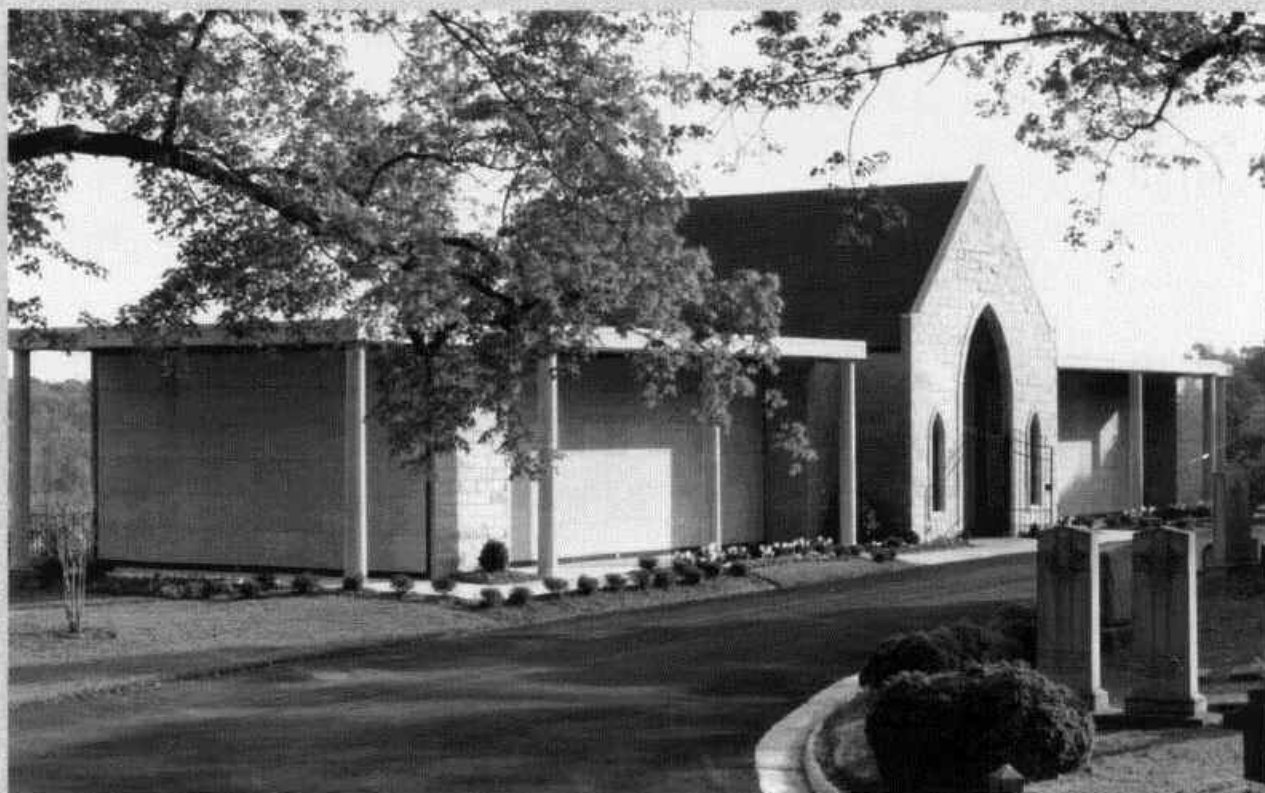
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Kathy Coggins, Regional Manager
kcoggins@stargranite.com

OSHA Training CD Series for Cemeteries, Funeral Homes and Crematories NOW Available

The International Cemetery and Funeral Association now offers a series of 10 OSHA compliance training CDs to enable business owners to present a consistent message on important safety topics and satisfy their OSHA training requirements. The CDs also make it easy to document training efforts through user-friendly forms, quizzes and employee handouts. Each module comes complete with an audio-visual presentation on CD-ROM, a user's guide,

Founded in 1887, the ICFA is the only international trade association representing all segments of the cemetery, funeral services and memorialization profession.

instructor notes, student handouts, a quiz and completion certificates.

Each module cost \$80 for ICFA

members and \$95 for non-members and can be purchased by calling the ICFA at 1-800-645-7700.

The OSHA Training CDs were developed for the ICFA by TechneTrain Inc. The ICFA also offers an OSHA Compliance Manual through TechneTrain. The cost for the manual is \$145 for ICFA members and \$175 for non members.

2007—2008 Membership Directory and Handbook and 2007 Virginia Cemetery Association Dues

2007 Association dues are due on January 15, 2007.

Association dues consist of two parts:

1. Basic for the calendar year \$200.
2. Assessment for the legislative and consumer protection committee, at \$1.00 for each burial in your cemetery for the period January 1, 2006 to December 31, 2006.

Please remit the total of 1 and 2 by January 15, 2007.

We are happy to say there will be no increase in dues again this year.

Our last dues increase was approved in June 1999.

VCA Membership Directory and Handbook for the 2007-2008 years will be available at our Annual Meeting June 2007, held at the Sheraton Oceanfront Hotel in Virginia Beach, Virginia.

We look forward to seeing everyone there.



Ever Heard of Rosebrough Monument Company in St. Louis?

By: Mike Doherty

I attended the ICFA annual convention this Spring in Las Vegas. It was a great meeting all around: record attendance, power packed program, exciting exhibits, and a few other things that will "... stay in Vegas" (including some of my gambling money).

One of the things that made the greatest impact on me was a topic brought up by ICFA General Counsel Bob Fells in his legislative report. The essence of it was that there is a new lawsuit filed in Michigan by monument dealers against cemeteries alleging antitrust violations such as the cemetery requiring that its customers buy markers exclusively from them.

The message from Bob Fells was that many of today's cemetery operators may not have been around in the 1970's and 1980's to know of the antitrust litigation that settled legal issues and requirements for outside marker installers. Bob asked ICFA members and state associations to remind cemeteries of those cases.

Rosebrough Monument Co. filed suit in federal court in 1979 against eleven St. Louis area cemeteries and their trade association seeking \$3.3 million in treble damages and injunctive relief for alleged violation of the Sherman Act. In essence, Rosebrough alleged that the defendants conspired to unreasonably restrain interstate commerce through an illegal tying arrangement, namely, that the cemeteries' rules required purchasers of cemetery lots to also purchase from the cemetery the cemetery's own memorial foundation preparation service.

The cemeteries won at trial, and Rosebrough appealed. The U.S. Court of Appeals for the Eighth Circuit reversed and upheld the illegal tying arrangement. They awarded \$1 in damages (trebled to \$3), \$102,587.90 in

attorneys' fees, and upheld the issuance of an injunction as to the cemetery rules and regulations.

The trial court issued an injunction and Rosebrough appealed to the Eighth Circuit again over the details of the court order. Recognizing the need to reconcile the goal of open competition with the cemeteries' property interests, the Court of Appeals approved the following cemetery rules and regulations:

1. The cemetery may establish specifications for the foundation of each type of memorial which it permits in the cemetery. These specifications shall be the same as the cemetery itself utilizes in preparing foundations for particular types of memorials.
2. The cemetery may schedule, upon reasonable notice, all installations taking into account weather and ground conditions, cemetery burial services, availability of personnel, etc.
3. The cemetery may require removal of excavated dirt and cleanup of the installation site.
4. The cemetery may require:
 - evidence that the installer's employees are covered by work man's compensation insurance and that the installer carries adequate public liability insurance in which the cemetery is a named insured, and
 - a bond to ensure compliance with the rules and regulations.
5. The cemetery may charge a fee based on its actual labor costs to inspect the finished work product of third-party memorial foundation services.
6. The cemetery may require that the installer expeditiously correct any deviations from the specifications. If, after notice, any deviation is not corrected the cemetery may make such corrections at the installer's

expense. All such rules and regulations which the cemetery may hereinafter adopt are to be reasonable in nature and application.

The Court DISALLOWED the following:

- The cemetery may NOT require that the foundation site be laid out by cemetery personnel.
- The cemetery may NOT supervise the foundation and installation process and require that the installation meet specifications after inspection and prior to placement of a memorial. [Note: These two items were disallowed because there was no evidence in the trial record to indicate that third-party installers could not lay out the foundation sites and perform their work without cemetery supervision. It may be possible that other cemeteries could convince a court that their supervision is necessary.]
- If the cemetery contributes separately to a fund for the care of memorials, it may NOT require third-party installers to contribute to such fund the same percentage of the charge by said installer as is contributed by the cemetery from its own installation charge.

The Court of Appeals affirmed an award of \$51,293.95 in attorneys' fees (1/2 of the amount sought). This is an important consideration. Bob Fells pointed out that there have been federal court cases subsequent to Rosebrough where cemeteries have fared better. However, as he aptly pointed out: "you may successfully prevail in defending an antitrust suit, but go broke [paying attorneys' fees] doing so."

Industry Leaders Team Up for Lasting Memories Consumer DVD

Matthews International Corporation teamed up with noted industry marketing professional Gary O'Sullivan to produce a DVD for counselors to show to families as an introduction to Lasting Memories memorials. The 90 second presenta-

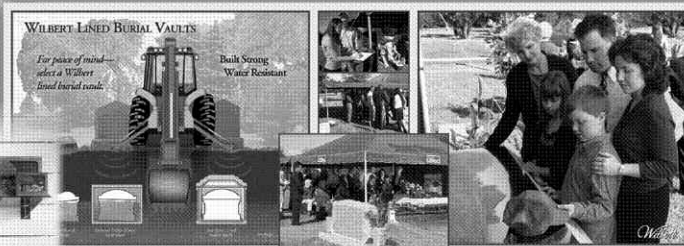
tion also serves as a transition into the design process.

"This brief video sets the tone for the memorial selection and design process emphasizing how true personalization can be achieved with the Lasting Memories memorials,"

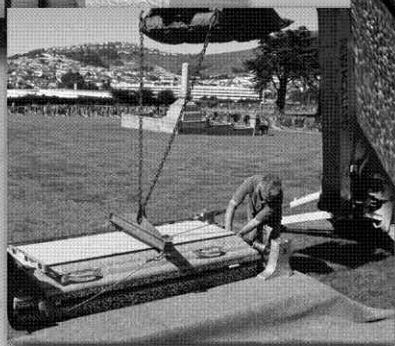
explained Lyn Illig, Matthews' manager of marketing communications.

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PANDEMIC FLU PREPARATIONS

By: Mike Doherty and Jeff Hodes

We have been meeting with state and local officials to discuss preparations and planning that are taking place in case of a flu pandemic. The VFDA has established a Pandemic Flu Task Force, and is working with Dr. Fierro, the Chief Medical Examiner for Virginia.

Some of the “big picture” items in case of a pandemic are:

1. You can expect a 10% to 100% increase in your call/burial volume in a short period of time (weeks).
2. You may experience a loss of 20% to 40% of your staff who are either sick themselves, home caring for family or who decide not to work at your facility (scared).
3. In essence, you may have to accomplish double the work with half the staff.
4. Supplies and equipment may be tough to get on short notice as the vendors experience high demand.
5. Cremation would increase. There are only 33 crematories in Virginia, each able to perform an average of 3 or 4 per day (i.e., there may be 850 deaths per day

in Virginia, but the ability to handle only 100 cremations per day).

6. There may be some type of “isolation order” from the government requiring people to stay home (e.g., schools and restaurants closed, no public funerals).
7. As a result, you may need to conduct business electronically (phone, internet, fax) for arrangements for contracting, payment, etc.
8. Payment may be a problem due to access to funds, and the prediction that lower income populations may be worst hit.

At this point, funeral and burials would remain a private matter.

There are no plans for mass graves, etc. However, there may be a need for designated pandemic interment areas with “trench” burials (like at large national cemeteries).

There are a number of things for cemeteries to think about:

- What is the remaining capacity of the existing cemeteries in Virginia?

- What facilities are there for storage of remains pending burial?
- If vaults or liners are not available, do we bury without them?
- Do you have private e-mail addresses with your employees with which to communicate?
- Do you have the capability to conduct business electronically with your customers and suppliers?
- Do you have sufficient supplies and equipment on hand to cover a surge in burials?
- Do you have a list of people who would be willing to work for you in case of need (other than your present employees)?

No one wants to think about these types of catastrophic scenarios.

However, the experts say that it is not if, but when will the next pandemic hit. Some models predict this November.

Why not at least stock up on supplies? They could be impossible to get during times of shortage. Worst case scenario ... you can use them in due course.

VCA Web-Site: Use It or Lose It

By: David Gilliam and Walt Melvin

The Virginia Cemetery Association has its own website. The site provides a place on the internet for the consumer to learn more about our Association. The site also provides Association members with information about upcoming events or meetings as well as other industry news.

This site is very user friendly. VCA members can contact David Gilliam or Walt Melvin to receive the password to gain entrance to the “Members” section which is restricted to VCA members only. In this section you will find a “Bulletin Board” which allows members to communicate with one another individually or as a group. You can post a message to the group or chat live on line with

one another. Once you have accessed the “Members” section, there is a very simple registration procedure to follow that will allow you to use these communication features.

Have you visited the VCA website? If not, you may be missing out on upcoming events in other cemeteries around the state. You could be missing out on meeting information. You could cause the cancellation of the web-site itself.

The Web-site Committee has proposed a one year renewal with updates and a more user friendly bulletin board for member communication. However, the committee has also proposed to revisit the numbers at the end of one year to determine if the membership uses the site enough

to warrant its existence.

Meeting information, the newsletter, membership communication, and a place for consumers to ask questions of the cemetery association and its membership was the goal in mind when the site was first established. Recent numbers show that NOBODY is using the site for whatever reason. We hope that changes in the upcoming year. You can make a deference.

Stay tuned for updated information about the site and...use it or lose it!!

You Ask for It—You Got It! Is the Death Rate Still Declining?

Your VCA office is here to assist you when needed. Recently, we had several members call in and inquire if the death rate was still declining because their cemetery burials certainly were. So we took the question to our members and here were the responses:

1. For the last ten years, I have heard cemeteries complaining about the death rate being off. I don't believe it. Last year (2005), our burials increased from 600 to 700...and this is in the face of increasing cremations where there is no burial.
2. So far this year, we are a few less than last year (less than 5%) but I consider it insignificant and irrelevant due to the large increase last year (i.e., we are way ahead if you look at the last several years).
3. Our records indicate we are down about 1%; however, we had a great last year.
4. We had a record year last year and so far this year we are down 10%, but if you do an average we are still way up.
5. Several cemeteries reported their numbers were flat for the first half of the year.
6. We are a smaller cemetery with an average of 135 burials a year. We are down 18%.
7. The cemeteries in our area are down between 1 and 5 % overall.
8. We are having more cremation burials; however, our burial numbers are about the same.
9. Yes our numbers are down.

In traveling to various national, regional and state association meetings, one thing I have picked up on is that cemeteries must think of ways to capture those cremation families that are leaving the crematory with the cremated remains and never make it to a cemetery.

Some very well run cemeteries are offering "loss leaders" (e.g., "free" or \$100 interment (usually commingled in an odduary) just to get the families in the door. Then you can use all your powers to sell in a columbarium or family estate once they are at the cemetery. Otherwise, the sale is lost.

Don't forget about the blacksmith. He forgot that he was actually in the transportation business, not the horseshoe business. Keep your eyes open. Maybe cemeteries are really in the memorialization business. Why not offer memorialization options (cenotaph) to those families with no interment, so they have somewhere peaceful to grieve.

If you have a question or concern you would like put to the membership, feel free to contact the VCA office. This is another way the website can be used too.

Proposed Comprehensive Change to Virginia Cremation Laws

By: Mike Doherty and Jimmy Stuart

We have been appointed by the Board of Funeral Directors and Embalmers ("BFDE") to a Task Force to look into the necessity of revising Virginia laws on cremation. Presently, there is not much on the books. The Cremation Association of North America ("CANA") has published a "model law" which is very thorough, and many other states have enacted comprehensive cremation laws (NC, MN, WV).

The reasons for looking into a comprehensive change in Virginia cremation laws include confusion over existing laws (e.g., next of kin), and lack of standards (e.g., storage and handling of bodies, identification procedures, etc.).

Currently, crematories are "registered" by the BFDE. The likely direction is to "license" crematories and crematory managers, and require some form of certification program from the manufacturers or national

association.

The following issues were discussed:

1. Current duplication of inspection – Right now BFDE, OSHA and DEQ have jurisdiction over crematories. OSHA (for safety and health issues) will probably continue, but it looks like DEQ may get phased-out (because federal EPA is issuing regulations that human cremation is not appropriate to the present category of "solid waste incinerator").
2. Tracking and Monitoring – There should be standards from beginning (receipt of remains) through the actual cremation process to end (release of cremated remains).
3. Equipment standards – Currently there are none.
4. Operation standards – Possible training, certification, CEU's.
5. Pets – Uncertainty over pet/human cremations.

6. Preneed – Many issues such as rights of the living to direct their own cremation, rights of next of kin, will, POA, advance medical directive, guardian and conservators, priorities.

Many other topics are being discussed. However, one key aspect is immunity from legal liability if the steps are followed. This would be a key selling point to industry members to get new laws passed. The goal is to get a consensus of the players so that the law is not contested in the General Assembly. They are shooting for the 2008 session.

The task force is sensitive to how these ideas impact on stand-alone or cemetery crematories. It was also discussed how the composition of the BFDE may be revised to require one of its members to be a crematory operator.

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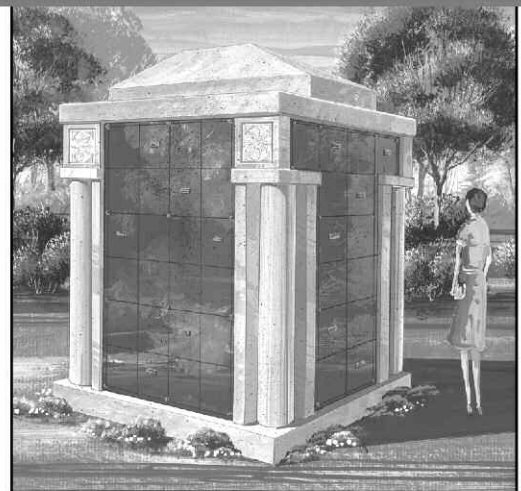
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