



ITHACA MEMORIAL SOCIETY

A Funeral Consumers Alliance

Spring 2006 Newsletter

P.O. Box 134, Ithaca, NY 14851-0134 • (607) 273-8316

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Annual Meeting Sunday, May 7, 2006

The Annual Meeting of the Society will begin at 2:00 p.m. in the auditorium at Kendal of Ithaca, 2230 North Triphammer Road, Ithaca, NY.

The program will feature a panel presentation: **Helping Families Prepare for Deaths: Perspectives from Three Professions.** Panelists will be Marcia Finlay, an attorney with expertise in elder law; James Geuder, currently the Chaplain at Hospicare; and C. Judson Kilgore, M.D., who is currently Medical Director at Lakeside Nursing and Rehabilitation Center.

The panel presentation will be followed by a brief business session, during which officers for 2006–2007, and two directors for terms of three years, will be elected. The following candidates, nominated by the Board of Directors, will be presented.

For President, Wayne Sinclair
Vice-President (no nominee available
when this was printed)
Secretary, Marion DaGrossa
Treasurer, Virginia Bizzell
For Board of Directors, 200

6–2008:

Melody Johnson
and a nominee yet to be identified

Additional nominations by phone to Wayne Sinclair (272-6165) before May 7 will be very welcome, as will nominations from the floor at the meeting.

Those driving are encouraged to park in the large lot north of the main building. After entering from Triphammer Road, turn right and follow the road around to the parking lot. It is a short walk into Kendall and to the auditorium.

Please bring any friends who may be interested in the aims and programs of the Society.

Greensprings Natural Cemetery is opening

Everyone is invited to the Dedication and Open House at Greensprings Natural Cemetery on Sunday, May 21, from 1:00 to 4:00 p.m. The Dedication ceremony is at 2:30 p.m., with keynote speaker Billy Campbell, M.D., nationally known founder of the green cemetery movement.

Learn how Greensprings offers natural, common-sense, sustainable burial options that help protect and renew the earth. Join nature walks or just stroll around on your own. Greensprings is located at 293 Irish Hill Road in Newfield, NY. The cemetery

contains 100 acres and is bounded by 8,000 acres of protected forests—Arnot Forest and Newfield State Forest.

What is natural burial? For starters, no embalming fluids, concrete vaults, or steel-lined caskets are used. Just simple burial in natural caskets made from locally harvested wood, or even in a shroud. For a marker you may choose a simple stone set flush to the surface or plant a native tree or shrub. Or both. For more information, please visit the website at www.naturalburial.org or call 607-564-7757.

New York Cemetery Legislation Pending

Good news for people whose funeral plans include burial (including ashes). NYS Assembly bill A10051, introduced in February 2006, would require cemeteries to make available to the public, in each of their offices, printed copies of the rules, regulations, charges, and prices of lots and plots. A small charge per copy could be levied. Further, any salesperson entering a residence or other place for the purpose of selling cemetery interment rights must provide a free copy to each potential customer prior to beginning a discussion. Small penalties apply for noncompliance. The bill can be viewed on-line at the following URL:

<http://assembly.state.ny.us/leg/?bn=A10051&sh=t>

This bill, which as yet lacks a Senate sponsor, would bring cemetery price disclosure rules into parallel with rules that have governed disclosure of funeral merchandise and service prices for over 20 years. Funeral directors are required to make their General Price Lists available, and the lists must have numerous standard elements, so funeral consumers can compare prices. Up to now, cemeteries are only required to "post" a list of prices (e.g., on the wall) in their offices. The Ithaca Memorial Society has sent letters in support of A10051 to appropriate legislators. We hope that some members will also want to support the bill. If so, contact us at any of the addresses above. We'll provide full particulars and legislators' addresses.

A related matter. The New York State Cemetery Division's website has incorrectly stated that cemeteries can require vaults. Although a cemetery can ordinarily "require" a concrete vault or, at the customer's option, a concrete graveliner, the cemetery may not enforce the requirement if a customer objects to any type of vault on religious grounds. [New York and Vermont are apparently the only states that have this exemption.]

From the president...

Demographics and vitality of the society. The Ithaca Memorial Society is not growing. In fact, the membership roster is shorter by at least 130 names (possibly as many as 250) than it was early in this decade. There are at least 1350 of us, perhaps as many as 1425 if half of the "lost" members are counted. IMS often loses contact with people who move elsewhere without notifying us, or whose mail from the Society is not forwarded during extended absences. Therefore, we can not know precisely how many members exist at a given time.

Lack of growth is inconsistent with the purposes of the Society, the first of which is "to *promote* (my italics for emphasis) the dignity, simplicity and spiritual values of funerals and memorial services." At minimum, IMS membership ought to increase in proportion to that of the Ithaca area. Fewer than 1.5% of the people in Tompkins County are members of IMS, so some fraction of the other 98.5% might wish to join the Society *if they were made aware of its purposes and service functions.*

This column is intended to reinforce comments in the letter sent to members in September, 2005. Members *must* recruit new members. Evidently we failed to make the case for recruitment, because no increase in the frequency of new memberships has occurred. Recent experience tells us that paid advertising attracts very few new members. Only friend-to-friend contacts work well.

Given that the Society is smaller than it was 5–6 years ago, will it shrink further as long-time members depart? We don't know! Concern about membership shrinkage began when the Board of Directors noted that new memberships lagged behind losses (60 versus 74) during 2005 and the first part of 2006. The disparity may be only a statistical blip, but we will not know until data for several recent years are examined. You might expect that someone within IMS knows about our membership longevity, age distribution, and year-to-year trends in recruitment and loss. But you would be wrong. We possess the relevant information, but most of it still resides only on paper. The membership database could be a useful source of

demographic data, and we are upgrading it for that purpose. The digitized data do *not* include exact birth dates or Social Security numbers, and the data are used only for internal business of the Society.

The Board of Directors intends to learn whether, in the absence of aggressive recruitment, the Society can have stable membership. If new members join at least as rapidly as existing members die or move away, and if the average duration of current and new memberships matches that of memberships heretofore, then the Society may be okay. But if the member population will diminish without more aggressive recruitment, we should take preventive action now. My opinion is that member recruitment is implied by the first purpose of the Society, quoted above.

If IMS exists for worthy purposes, then each of us who is capable should inform his or her non-member friends about the benefits of membership. To be sure, some people do not want to confront their own mortality—do not want to make plans for the end of life. Others want elaborate funerals. But some who have merely been procrastinating may welcome your reminder that simple, cost-controlled funeral arrangements require advance planning. All you need to do to get started is to ask a friend if he or she is a member of the IMS. You'll not likely offend anyone by asking. If the answer is no, then follow up with "I am. Let me tell you about it." Then describe our own practical arrangements. For details you don't readily recall, use the extra IMS brochure that we sent to you last fall, or refer the person to the IMS telephone number or web page.

Should some of us be excused from recruitment duty? Absolutely. Members who are not readily able to talk with friends about IMS membership should feel no guilt while reading this column, but the rest of us should talk up the benefits of membership and the public service done by funeral consumer alliances.

Another topic. The Society has investigated its legal and tax status. It is a domestic not-for-profit corporation, registered with the New York State Department of State, Division of Corporations.

The **ITHACA MEMORIAL SOCIETY** is a nonsectarian organization, founded in 1958, that contracts with area funeral homes for reasonable, simple, and dignified services so that its members may plan their funeral arrangements and memorial services in advance. It is guided by a volunteer Board of Directors. Members meet annually on the first Sunday in May to conduct Society business. This Society is a member of a national organization, the Funeral Consumers Alliance, headquartered in South Burlington, Vermont.

The 2005–2006 Board of Directors: President, Wayne Sinclair ('07); Vice President (to be announced); Secretary, Marion DaGrossa ('06); Treasurer, Virginia Bizzell ('06); Arlene Bradshaw ('08); Mary Woodsen ('08); Celia Bolyard (Advisor); Philip S. Winn (Advisor); and Jean Warholic (Advisor, Newsletter). Linda Fetherbay is the Executive Secretary and manages the Society's office. The Newsletter is published twice a year and is freely available. Printing is by A New Beginning Press; mailing is by Challenge Industries of Ithaca.

Although the Society is organized to “promote social welfare” (IRS terminology), donations to the Society are not tax-deductible because members receive discounted prices for funeral services as a benefit of membership. Previous information that donations to IMS are deductible was incorrect. We regret the error.

Wayne Sinclair

Antitrust lawsuit against big funeral businesses and casket makers

The Funeral Consumers Alliance (FCA), along with several individual consumer plaintiffs, has filed a class-action lawsuit against the three largest funeral companies and the largest casket manufacturer in the U.S. The suit was filed on May 2, 2005. Plaintiffs allege that Service Corporation International (SCI), the Alderwoods Group, Stewart Enterprises, and Batesville Casket Company conspired to shut out competition in the casket sales market to keep prices artificially high. The suit has been moved to the U.S. Court of the Southern District of Texas, Houston Division. The suit is still in its early stages. As of October, 2005, the schedule for litigation was not set. To read the original complaint, which includes details and specific allegations, visit this website: www.funerals.org/ClassActionPR.htm

Package-pricing legislation opposed

An anticonsumer bill that IMS and other New York funeral consumer organizations opposed in 2005 is still alive. The bill, A07151/ S4209, would allow funeral homes to sell funeral “packages”—bundles of products and services. The bill’s ultimate effect would be to allow funeral homes to mislead consumers into paying excessive amounts for services and merchandise they do not need or want. While every funeral home would still offer an itemized price list as required by law, sales agents would emphasize the funeral packages because they are more profitable. The current New York law prohibits selling funeral packages and protects vulnerable people who must deal with exploitative funeral sales representatives. We think the current law should stand, and we have sent strongly worded letters opposing A07151/S4209 to appropriate legislators. We’ll provide full particulars and addresses to any IMS member who wants the information. If you care about funeral price inflation, this is a good bill to oppose.

The 2003 annual report of Service Corporation International, the funeral industry giant, revealed that the reason for package pricing is to extract more money from funeral consumers: “On a burial funeral, Dignity packaged sales generate on average approximately \$2,800 more than non-Dignity sales. On a cremation service, Dignity packaged sales generate approximately \$1,700 more than non-Dignity sales.”

The lead person for monitoring, promoting, and reacting to NYS funeral legislation is Elvira Hoffman of the FCA of L.I./NYC. She deserves lots of credit for alerting us and providing model letters that are useful when we draft letters from IMS to legislators.

Funeral giants merging. Consumers beware.

The New York Times reported on April 3 that: “Service Corporation International is expected to announce today that it has agreed to buy the outstanding shares of Alderwoods Group in an \$856 million deal that would combine the nation’s largest and second-largest funeral and cemetery companies. The combined companies would have sales of roughly \$2.5 billion based on last year’s results, along with a network of 1,712 funeral homes and 490 cemeteries in the United States and Canada.”

Who knows your funeral plans?

Do the right people know your funeral plans? IMS members, *please* inform those who will survive you, especially your children, about the details of your membership and funeral arrangements.

Give a copy of your IMS membership form to each of the people who will be responsible for any part of your end-of-life and funeral arrangements to prevent confusion and conflict among your survivors. Make sure your family understands you have made contractual arrangements that must be paid for immediately after the funeral service is provided.

Recently the responsible survivor of a deceased IMS member was startled to learn that payment to the funeral home was required. The survivor had erroneously believed that IMS membership included prepaid arrangements. In another case, the survivors of an IMS member selected funeral materials and services that were much more elaborate and costly than those the member had specified. The survivors mistakenly believed that the IMS contract price would apply to parts of the funeral arrangements.

Most such misunderstandings will be avoided if your survivors know and agree in advance to honor your funeral wishes and plans.

We always appreciate your \$\$ help!

A self-addressed donation envelope is enclosed with this newsletter.

Your contributions are used exclusively for services to members and the public. They have always been very important for the Society’s programs.

All donations are gratefully acknowledged.

ITHACA MEMORIAL SOCIETY
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Casket substitutions?

An inquirer wrote to IMS: "We are intending to pre-purchase a casket for my mother. How does that affect the agreement with the funeral home? Can we use the portion allotted for a coffin for other services?"

We answered: "It is okay to bring a casket or alternative container to any funeral home and use it in place of whatever the funeral director might wish to sell. The funeral director may not legally charge for his/her casket if you bring your own. This is true regardless of Ithaca Memorial Society (IMS) membership.

The IMS contract with each participating funeral director specifies that if the representative(s) of the deceased elect not to use the minimal casket normally provided in Type II (or Type III or Type IV) service, then the funeral provider shall apply to the account a credit equal to the current wholesale cost of the minimal casket.

Any funeral customer is at liberty to purchase funeral services and merchandise that are not included in the service type elected by an IMS member. Be

advised, however, that deviations from the service types described in the IMS brochure (and contract) void the member's contract with the funeral home. Putting it another way, either you buy only what the member specified in his/her IMS membership application (with the possibility of casket substitution), or the contract is voided."

FCA National Convention 2006

The Funeral Consumers Alliance (FCA)—the national organization to which nearly all memorial societies and other funeral consumer organizations in the U.S. belong—will hold its Biennial Convention June 1–3, in Austin, TX, at St. Edwards University. The program looks great!

It will have a variety of educational sessions, excellent speakers, and topics such as: caskets and competition; being green; bringing funerals home; lobbying (legal, you can do it and you should); consumer advocacy; and competition comes to town.

Meeting costs for attendees are modest. For detailed information about the convention, contact FCA at 802-865-8300 or email <fca@funerals.org>.