

TOI CEMETERY OVERSIGHT

TOWNSHIP CEMETERIES AND REGULATING THEM

November 13, 2018

**Township Officials of Illinois
Springfield, Illinois**

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TOI CEMETERY OVERSIGHT

PART A: CEMETERY OVERSIGHT ACT

PART B: HANDLING COMPLAINTS

PART C: CEMETERY INSPECTIONS



TOI CEMETERY OVERSIGHT

PART A: CEMETERY OVERSIGHT ACT



CEMETERY OVERSIGHT ACT

HISTORY

PASSED: JANUARY, 2010
EFFECTIVE: MARCH 1, 2010
RULES NOT APPROVED.
SB 1830 (PL 97- 670) SIGNED: FEBRUARY 6, 2012
JCAR APPROVES RESPONSE: MAY 15, 2012
RULES PUBLISHED JUNE 15, 2012

FULL EFFECTIVE DATE JULY 1, 2012



COA CEMETERY CATEGORIES

***EXEMPT**

***PARTIALLY EXEMPT**

**LICENSED AUTHORITY, MANAGER,
AND CUSTOMER SERVICE EMPLOYEE**



FULL EXEMPTION

**CEMETERY OPERATING AS A FAMILY BURIAL GROUND OR
RELIGIOUS BURIAL GROUND**

**OR ANY CEMETERY THAT HAS NOT HAD A BURIAL OF
HUMAN REMAINS WITHIN THE LAST TEN YEARS**

OR ANY CEMETERY THAT IS UNDER 3 ACRES

\$0 Fees



PARTIALLY EXEMPT CEMETERIES

ANY CEMETERY ENGAGING IN LESS THAN 25 BURIALS IN EACH OF THE PRECEDING TWO CALENDERS YEARS

OR ANY CEMETERY OPERATING AS A PUBLIC CEMETERY...

OR ANY CEMETERY OPERATING AS A RELIGIOUS CEMETERY...

\$150 Fee (4 year renewal: \$37.50/YR)

Waivers Available



LICENSED AUTHORITIES ALL OTHER CEMETERIES

LICENSED GENERAL MANAGERS*

LICENSED CEMETERY CUSTOMER*
SERVICE EMPLOYEES

*NOT REQUIRED FULL AND PARTIAL EXEMPT CEMETERIES



LICENSE COUNTS

FULL AUTHORITIES	212
PARTIAL EXEMPTS	1247
FULL EXEMPTS	1979
MANAGERS	248
CUSTOMER SERVICE	402

TOTAL CEM LICENSED	4,310
TOTAL DPR LICENSED	1,244,309



1. COA REQUIREMENTS (NOT ALL PRESENTED):

- Be able to explain federal and state laws to families
- Treat human remains with care and dignity
- Protect *confidential* information
- Provide service in competent and respectful manner
- Fulfill written and verbal agreements and contracts
- Provide honest and *complete* information
- Not engage in false or misleading advertising
- **Have** clear and specific **rules and regulations**



2. Care and Maintenance Standards

- LAYING OF SEED, SOD OR SUITABLE GROUND COVER, WEATHER PERMITTING
- CUTTING THE LAWN AT REASONABLE INTERVALS TO PREVENT OVERGROWTH OF GRASS AND WEEDS
- TRIMMING OF SHRUBS TO PREVENT EXCESSIVE GROWTH
- TRIMMING OF TREES TO REMOVE DEAD LIMBS
- MAINTAINING, REPAIRING *OR REMOVING* DRAINS, WATER LINES, ROADS, BUILDINGS, FENCES AND OTHER STRUCTURES
- KEEPING THE CEMETERY FREE OF TRASH AND DEBRIS



Considerations Of Reasonable Maintenance:

- The cemetery's contractual obligation for care and maintenance**
- The extent and use of the cemetery's financial resources**
- The standard of maintenance of similarly situated cemeteries**



3. Overall Map

- Each cemetery must have a a map showing all lots, blocks, plots, and sections
- Each burial as of July 1, 2012 must correspond to an interment right on the map(s)
- The cemetery manager must certify the accuracy of the map
- Map(s) must be legible and accurate
- Families must be allowed to view the cemetery map(s) to verify the location of a loved one



SAMPLE MAP CERTIFICATION

Illinois Cemetery Oversight Act
Certification of Map
Cemetery Manager's Certificate
Required of Licensed and Partial Exempt Cemetery Managers

I, _____, hereby accept and acknowledge the referenced map as a true and accurate representation of the cemetery, and to the best of my knowledge, that it corresponds to the grave identification process used by the cemetery and to the cemetery records as they exist today.

Under penalty of perjury, I declare that I have examined the map and the foregoing certification, and to the best of my knowledge, they are true and correct.

Signature of Cemetery Manager or Recordkeeping Authority Date

You do not have to return this form. It must be kept with cemetery records.



4. Maintain Index Of Burials And Records Of All Burials

- Index of all burials as of July 1, 2012 maintained that provides the identity of each deceased and their respective place of interment, entombment or inurnment
- Records must include the deceased name, age, and date of burial and the specific location (also if a Veteran)



5. Cemetery Oversight Database

- All burials from July 1, 2012 forward (entry started December 1, 2010)
- 10 business days to enter
- Can be phoned in if computer not available
- (Data Fees eliminated July 1, 2012)



DATABASE DATA

TOTAL BURIALS 384,195

(1664 cemeteries reporting)

Ground Burials	287,277 (75%)
Above Ground (Not Cremations)	18,951 (5%)
Cremations	77,967 (20%)



6. Written Contract For Each Burial Performed

Written contract must be signed by both the cemetery and the consumer

Stipulates the price for each described service provided or merchandise provided and location

States method of payment (cannot require only cash)



7. Post Consumer Hotline Sign and Make Consumer Brochure Available

IF THERE IS AN OFFICE

AVAILABLE ON LINE OR DEPARTMENT CAN SEND



Copy of
Sign

Attention: Consumers of Cemetery Products & Services
Atención consumidores de productos y servicios de Cementerio

As a consumer of cemetery products or services, you have certain rights under the law.

To file a complaint, call 1-888-RLOVED1 (756-8331) or go to www.idfpr.com.

Como consumidor de productos y servicios de cementerio, usted tiene ciertos derechos bajo la ley.

Para presentar una queja llame al 1-888-RLOVED1 (756-8331) o ir a www.idfpr.com.



Illinois Department of Financial and Professional Regulation



Consumer Brochure

Consumer Information

Complaints

Final Disposition Purchases

Ethical Consumer's Guide to Cemetery & Final Disposition Purchases



8. Investigation And Mediation

Partially exempt cemeteries must submit to the investigation and mediation procedures of IDFPFR in the event of a consumer complaint.

Discuss....



9. Whistleblower protection

May not take any retaliatory action against a cemetery employee for disclosing practices in violation of law, rule, or regulation



10. Consumer Bill of Rights

- The cemetery must provide a copy of the burial information that includes the deceased's name and date of burial to the person with the authority to dispose of the decedent's remains
- Families have the right to purchase merchandise and services either directly from the cemetery when available or from a third-party vendor
- Families have the right to complain to IDFPFR regarding cemetery related products, maintenance and other cemetery activities. (You must initiate and report even if consumer does not.)



11. Cemetery Duties

- Prices for all cemetery related products offered for sale by a cemetery must be disclosed in writing on a standardized dated price list
- A contract for the burial of human remains must be signed by both the cemetery and the consumer
- If a cemetery's rules and regulations change after the date of the contract for purchase, a new regulation cannot require the consumer to purchase additional goods or services unless reasonable
- No cemetery can engage in deceptive practices or unfair practice
- The contractual requirements only apply to those after July 1, 2012.



TOI CEMETERY OVERSIGHT

PART B: CEMETERY COMPLAINTS



COMPLAINTS

A. TYPICAL COMPLAINTS

B. HANDLING CONSUMER COMPLAINTS

C. CEMETERY OVERSIGHT ACT COMPLAINT PROCESS



A. TYPICAL COMPLAINTS

1. MEMORIALS

- DELIVERY TIME PROMISED MISSED
- RULES..”CAN’T HAVE...” “WRONG SIZE...”
- MAINTENANCE: Grass covered, not trimmed, sunk



TYPICAL COMPLAINTS

2. GENERAL GROUNDS CONDITIONS

- LAWN: NOT CUT OR NO GRASS
- ROADS: POT HOLES
- STANDING WATER: GRAVES, ROADS



TYPICAL COMPLAINTS

3. CUSTOMER SERVICE

- NOT NICE OR FRIENDLY, UNCARING
- PHONE CALLS NOT RETURNED (OR EMAILS ETC..)
- SALES PRESSURE
- NOISE...DURING SERVICE..MACHINE AND HUMAN



TYPICAL COMPLAINTS

4. INTERMENTS RIGHTS

- OWNERSHIP AND TRANSFER PROCESS
- RULES AND REGS POLICY - BURIAL RIGHTS
- FAMILY DISPUTES TRANSFERS



TYPICAL COMPLAINTS

5. RECORDS AND PRIVACY

- NOT GIVING OUT INFORMATION - PRIVACY
- CAN'T FIND RELATIVE



B. HANDLING CONSUMER COMPLAINTS

WHAT IS A COMPLAINT?

Webster: An expression of discontent, regret, pain, censure, resentment, grief; faultfinding, a cause of...



HANDLING CONSUMER COMPLAINTS

WHAT IS A COMPLAINT?

- A CRITICAL FORM OF COMMUNICATION
- OPPORTUNITY TO CORRECT IMMEDIATE PROBLEMS
- CAN TURN ANGRY CONSUMERS INTO LOYAL ONES....IF YOU HANDLE THE COMPLAINT RIGHT



HANDLING CONSUMER COMPLAINTS

WHY IS COMPLAINT HANDLING IMPORTANT?

- GENERATES LOYALTY, GOODWILL
- ONLY A FRACTION OF CONSUMERS COMPLAIN...TO YOU
- TAKE ADVANTAGE OF THE COMPLAINT: A PULSE
- MANAGEMENT (owner, Township, etc.) MUST MAKE COMPLAINT IMPORTANT TO CEMETERY CULTURE



HANDLING CONSUMER COMPLAINTS

SUGGESTIONS

1. LISTEN CAREFULLY, LET FINISH



HANDLING CONSUMER COMPLAINTS

2. ASK QUESTIONS IN A CONCERNED MANNER



HANDLING CONSUMER COMPLAINTS

3. PUT YOURSELF IN THEIR SHOES



HANDLING CONSUMER COMPLAINTS

4. APOLOGIZE W/O BLAME



HANDLING CONSUMER COMPLAINTS

5. DISCUSS ACCEPTABLE SOLUTIONS



HANDLING CONSUMER COMPLAINTS

6. SOLVE THE PROBLEM; BE REALISTIC
DON'T CREATE ANOTHER COMPLAINT



HANDLING CONSUMER COMPLAINTS

7. FOLLOW UP!
...COMMUNICATE



HANDLING CONSUMER COMPLAINTS

POST SCRIPT:

HAVE COMPLAINT MANAGEMENT SYSTEM....BIG OR SMALL CEMETERY

TRAINING!!...



HANDLING CONSUMER COMPLAINTS

ONLY AS GOOD AS YOUR LEAST TRAINED CEMETERY EMPLOYEE/REPRESENTATIVE

OFFICE, GROUNDS, CUSTOMER SERVICE ALSO YOUR BOARD OR TRUSTEES



C. COA COMPLAINT PROCESS

CONSUMER OR DEPARTMENT GENERATED (BY PHONE, MAIL, E-MAIL OR INSPECTIONS)

30 DAY PRE-ENFORCEMENT

**IF NOT SETTLED
REGULAR ENFORCEMENT
OR MEDIATION (for Partial Exempts)**



Once in Mediation and Enforcement:

-IDFPR would inform the cemetery of the complaint in writing only after person filing complaint has contacted the cemetery with no resolution.

•The cemetery has 30 days (10 days if maintenance issue) to tender a written response

•If complaint is resolved IDFPR will verify the resolution

•If complaint is not resolved by writing or by telephone there could be face-to-face mediation required (fees charged) for Partial Exempts* or complaint, investigation, prosecution, and resolution for Full Licensed Cemeteries. Fines (\$0-\$8000) and/or discipline possible.



Violation Citations Licensed and Partial Exempts

Can be used for:

1. Failure to notify IDFPR within 14 days of any change of address
2. Failure to maintain cemetery in accordance with Section 20-5
3. Failure to comply with the vehicle traffic control procedures

Cemetery accused of violating cemetery maintenance under a citation has 10 days to respond or fix. Citations have smaller fines (\$0 – \$500).



TOI CEMETERY OVERSIGHT

PART C: CEMETERY INSPECTIONS





CEMETERY INSPECTIONS TO DATE 1150

MOST COMMON DEFICENCIES:

- #2 LACK OF RULES AND REGULATIONS
- #3 LACK OF CURRENT DATED PRICE LISTS
- #4 LACK OF INTERMENT CONTRACT*



	Cemetery Name: _____ Cemetery Authority Name: _____ License Number: _____ Inspector/Inspector: _____ Date: _____
Cemetery Oversight Act Checklist (Not all inclusive requirements of Act) <small>Illinois Department of Financial and Professional Regulation, Cemetery Oversight Division</small>	
[1] License Display of the following if applicable:	Yes No
[1.1] Licensee's Address:	
[1.2] Cemetery Authority:	<input type="checkbox"/>
[1.3] Cemetery Manager:	<input type="checkbox"/>
[1.4] Customer Service Employee:	<input type="checkbox"/>
[2] New Rules and Regulations <small>Section 20.05, 20.06, 20.07</small>	<input type="checkbox"/>
[3] New Cemetery Price List <small>Section 20.08, 20.09, 20.10</small>	<input type="checkbox"/>
[4] New Interment Contract <small>Section 20.11, 20.12, 20.13</small>	<input type="checkbox"/>
[5] Evidence of updated Cemetery Map <small>Section 20.14</small>	<input type="checkbox"/>
[6] Current Burial Index/Records <small>Section 20.15</small>	<input type="checkbox"/>
[7] Current example of burial location on a Field Permit <small>Section 20.16</small>	<input type="checkbox"/>
[8] Identification maintenance issues or problem areas: <small>Section 20.17</small>	<input type="checkbox"/>
[9] Structures available and signs posted <small>Section 20.18</small>	<input type="checkbox"/>
[10] Database current <small>Section 20.19</small>	<input type="checkbox"/>
Comments (What was well): _____ _____ _____	



1. LICENSE DISPLAY

Sec. 20-20. Display of license. Such license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable. Nothing in this Act shall prevent an individual from acting as a licensed cemetery manager or customer service employee for more than one cemetery. A cemetery manager or customer service employee who works at more than one cemetery shall display an original version of his or her license at each location for which the individual serves as a cemetery manager or customer service employee.



2. RULES AND REGULATIONS

- 20-5 (f) A cemetery authority shall make available for inspection and, upon reasonable request and the payment of a reasonable copying fee, provide a copy of its rules and regulations....
- 35-15 (d) If any rules or regulations, including the operational or maintenance requirements, of a cemetery change after the date a contract is signed for the purchase of cemetery-related or funeral-related products or services, the cemetery may not require the consumer, purchaser, or such individual's relative or representative to purchase any merchandise or service not included in the original contract or in the rules and regulations in existence when the contract was entered unless the purchase is reasonable or required to make the cemetery authority compliant with applicable law.



3. CURRENT PRICE LIST

- 20-5(f) A cemetery authority shall make available for viewing and provide a copy of its current prices of interment, inurnment, or entombment rights.

35-15(a) Prices for all cemetery-related products offered for sale by the cemetery authority must be disclosed to the consumer in writing on a standardized price list. Memorialization pricing may be disclosed in price ranges. The price list shall include the effective dates of the prices. The price list shall include not only the range of interment, inurnment, and entombment rights, and the cost of extending the term of any term burial, but also any related merchandise or services offered by the cemetery authority. Charges for installation of markers, monuments, and vaults in cemeteries must be the same without regard to where the item is purchased



4. INTERMENT CONTRACT

- Sec. 20-10. Contract. At the time cemetery arrangements are made and prior to rendering the cemetery services, a cemetery authority shall create a written contract to be provided to the consumer, signed by both parties, that shall contain: (i) the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) the supplemental items of service and merchandise requested and the price of each item; (iv) the terms or method of payment agreed upon; and (v) a statement as to any monetary advances made on behalf of the family. The cemetery authority shall maintain a copy of such written contract in its permanent records.
- 35-15(b) Any contract for the sale of a burial plot, when designated, must disclose the exact location of the burial plot based on the survey of the cemetery map or plat on file with the cemetery authority.



5. CERTIFIED MAP

- (b) A cemetery authority, before commencing cemetery operations or within 6 months after the effective date of this Act, shall cause an overall map of its cemetery property, delineating all lots or plots, blocks, sections, avenues, walks, alleys, and paths and their respective designations, to be filed at its on-site office, or if it does not maintain an on-site office, at its principal place of business. The cemetery authority shall update its map and index described in subsection (b-5) within a reasonable time after any expansion or alteration of the cemetery property. A cemetery manager's certificate acknowledging, accepting, and adopting the map shall also be included with the map...



6. BURIAL INDEX/RECORDS

- 20-5(b-5) A cemetery authority shall maintain an index that associates the identity of deceased persons interred, entombed, or inurned after the effective date of this Act with their respective place of interment, entombment, or inurnment.



7. BURIAL LOCATION ON BURIAL PERMIT

- Sec. 75-50. Burial permits. Notwithstanding any law to the contrary, every burial permit shall contain information regarding the location of the interment, entombment, or inurnment of the deceased that would enable the Department to determine the precise location of the decedent.



8. Maintenance issues

- **Sec. 20-5. Maintenance and records.**
 - (a) A cemetery authority shall provide reasonable maintenance of the cemetery property and of all lots, graves, crypts, and columbariums in the cemetery based on the type and size of the cemetery, topographic limitations, and contractual commitments with consumers. Subject to the provisions of this subsection (a), reasonable maintenance includes:
 - (1) the laying of seed, sod, or other suitable ground
- cover as soon as practical following an interment...
- (2) the cutting of lawn throughout the cemetery...
- (3) the trimming of shrubs...
- (4) the trimming of trees to remove dead limbs;
- (5) maintaining, repairing, or removing, if necessary, drains, water lines, roads, buildings, fences, and other structures; and
- (6) ... free of trash and debris



9. BROCHURE AND SIGN

Sec. 20-30. Signage. The Department shall create, and each cemetery authority shall conspicuously post signs in English and Spanish in each cemetery office that contain the Department's consumer hotline number, information on how to file a complaint, and whatever other information that the Department deems appropriate.



10. DATABASE CURRENT

- **Sec. 20-6. Cemetery Oversight Database.**
 - (a) Within 10 business days after an interment, entombment, or inurnment of human remains, the cemetery manager shall cause a record of the interment, entombment, or inurnment to be entered into the Cemetery Oversight Database. The requirement of this subsection (a) also applies in any instance in which human remains are relocated.



TOWNSHIP OFFICIALS

**THANK YOU FOR YOUR
SERVICE TO ILLINOIS
CEMETERIES AND THE
FAMILIES YOU SERVE...**



CEMETERY AND FUNERAL OVERSIGHT DEPARTMENT

DIVISION OF PROFESSIONAL REGULATION

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Cemetery Line: **888-756-8331**

www.idfpr.com/PROFS/Info/Cemetery.asp