**Office of Cemetery Oversight**

**Advisory Council On Cemetery Operations**

*Meeting Minutes*

*Thursday, January 25, 2024*

9:30 *AM*

Virtual Sign-on Information:

**Sign on information:** Join with Google Meet- <https://meet.google.com/ean-zoxr-zgt>

-Up to 250 participants

**Meeting ID:** <https://meet.google.com/ean-zoxr-zgt>

Phone Number/

To call in: **Dial** PIN:991 991 730#

HOUSEKEEPING

COMAR 09.01.11.03, [http://](about:blank)[www.dsd.state.md.us/comar/comarhtml/09/09.01.11.03.htm](http://www.dsd.state.md.us/comar/comarhtml/09/09.01.11.03.htm)

.03 Public Attendance.

A. The public is invited to attend and observe any open session of the unit within the Department.

B. Except in instances when the unit expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not actively participate in the session.

1. Roll Call/Quorum Announced

Staff Present:

Deborah Rappazzo – Executive Director

Matthew Venuti – Assistant Attorney General

Dreama Anderson- Investigator

Council Members Present:

Frank Porter

John (Ron) Pearcey

Yvonne Fisher

Walter Tegeler

Craig Huff

Chris Palmer

David Zinner

Eric March

Staff Absent:

Leila Whitley – Administrative Aide/Licensing Specialist

Lucas Manes – Financial Compliance Administrator

Council Members Absent:

Rebecca Bailey

Bruce Hultquist

Michael Bennett

Guests:

Richard Cody

2. Meeting Called to Order by Chairperson Frank Porter, Advisory Council, Chair

9:38 am

3. Approval of Today’s Agenda

Motion by Advisory Council Member Palmer, Second by Advisory Council Member Huff,

Agenda Accepted

4. Approval of December 7, 2023–Minutes

Motion by Advisory Council Member Palmer, Second by Advisory Council Member Huff, Minutes Approved

5. Executive Director’s Report

1. Introduction
2. Updates:

Required Reports: The 2023 General Assembly Report will be shared with the Council, at our February meeting.

Online licensing update: The office will continue to email renewal applications to registrants and permit holders until the Office of Cemetery Oversight (OCO) will be added to the E-Licensing process. Currently, the OCO does not have a go live date on this new process. However, once E-Licensing goes into effect, the OCO will then be introduced to PDF Licensing. This new process called PDF Licensing will allow registrants and permit holders to print directly from their email, a copy of their initial and renewal license.

Online Payment Process: Currently, the OCO is receiving/processing more online payments for initial/renewal applications than payments received by mail. However, there are still online payments received without their corresponding initial/renewal completed applications.

Move update: The move date has not been determined; however, it appears that the Department of Occupational and Professional Licensing(O&P) will not move until the end of the 2nd quarter or later this year.

Licensing Specialist Report: To date, there have been a total of 778 initial/renewal applications processed by the OCO. As previously noted, initial/renewal applications are being sent by email, with instructions on how to return both completed applications and how to submit your online payments. The bank charges a 2% credit card service charge fee for credit card payments. However, if payment is made by check, there is no service charge fee.

Financial Compliance Administrator’s Report: All of the Perpetual Care Trust Reports and PreNeed Trust Reports have been reviewed for 2021 and 2022. A listing of cemeteries with missing reports will be reviewed to see if they meet either or both Perpetual Care Trust and PreNeed Trust Report requirements. Once this process has been concluded, any cemetery missing either or both reports, will be notified in writing. Furthermore, the OCO will be revisiting our Cemetery Questionnaire form, which was previously sent out in 2021, to our cemetery permit holders, for possible revisions.

1. “How to Age Well and A few Ideas for a Green Burial”, by Chris Palmer.

During a meeting with his Death and Dying Group, Advisory Council Member Palmer, posed a question to the group, “How do you Age Well”. The group then came up with a list of 35 responses. Advisory Council Member Palmer highlighted a few of those responses such as simplify your life and offload possessions; be less judgmental; get engaged in the community; and forgive those who need to be forgiven and develop new identities to replace the out-of-date ones we adopted when we were middle-aged. Advisory Council Member Palmer encouraged all Council Members to create their own list.

“Death Will- How to Be Treated After Death,” created by Chris Palmer.

Advisory Council Member Palmer encouraged all Advisory Council Members to write a letter to their loved ones to address their final wishes. This will ease the burden on their surviving family members, so that they can focus on grieving and not what the deceased wanted. In your letter, it should address a few items such as: body disposal; memorial service details; readings; music and anything else that you wanted to share with them (final love devotions, etc.). Executive Director Rappazzo asked when do you present or have your letter presented to your family (before or after death)? Advisory Council Member Palmer believes that you should share your letter with your family before death, along with your dying and living wills, and ethical wills, so that your family can ask questions and be prepared when your time of need comes.

6. Old Business

Advisory Council Chair Porter asked Advisory Council Member Zinner to address his request from the last meeting to add a discussion about ground burial. Advisory Council Member Zinner, not sure of the content, will be prepared to discuss at our next meeting.

Advisory Council Member Palmer was fascinated by Advisory Council Member March’s belief that OCO should regulate all church and non-profit cemeteries in Maryland.

Advisory Council Member March responded that it would increase OCO funding that currently falls on 63 registered cemeteries, creating unfair competition, as the church and non-profit cemeteries offer the same rights, which creates an unfair burden on consumers of registered cemeteries.

Executive Director Rappazzo stated originally that all cemeteries were included but removed by the time of signing of the OCO Act. However, if all cemeteries were required to be licensed by the OCO, the OCO would triple in size.

AAG Venuti stated that historically there is little legislative support to regulate religious entities.

Advisory Council Chair Porter would like to address in more detail why all cemeteries are not required to be licensed by the OCO. Maybe a task force is needed to address this issue.

Advisory Council Member Palmer inquired if the all-natural burial cemetery located in Montgomery County has obtained licensure with the OCO.

The Executive Director responded that the OCO is still working with the cemetery to obtain their license and is hoping it will be obtained shortly.

7. New Business

Council Member Palmer suggested that he would like to know more about the other Advisory Council Members and asked if we could have each Advisory Council Member provide a bio document to distribute at the next meeting. Advisory Council Chair Porter suggested giving two Advisory Council Members an opportunity to present a two- minute bio at our next Advisory Council Meeting. The Advisory Council Members agreed. Therefore, the schedule will be as follows:

* February- Advisory Council Members Fisher and Pearcey
* March-Advisory Council Members Huff and Zinner
* April-Advisory Council Members March and Tegeler

(Upcoming schedule will be announced)

8. Investigator’s Report

There were 17 new complaints:

* 10-possible desecration, under investigation
* 1-encroachment preventing burial,
* 2-memorial Installation,
* 1-contract cancellation awaiting refund, closed,
* 1-burial in a flooded area,
* 1-outstanding maintenance fee, preventing burial, closed,
* 1-outstanding maintenance fee

There are currently 14 old complaints that are under investigation. They pertain to delays in the construction of a mausoleum, and non-regulated businesses for which we are trying to help families to resolve their concerns.

Advisory Council Member Palmer remarked that the 10 for one cemetery is a red flag. Executive Director Rappazzo explained that the matter is currently under investigation and could not offer any additional information at this time. Advisory Council Member Zinner provided additional information. Desecration during the holidays wherein backhoes were seen on the property resulting in broken trees, exhumations, memorials removed, and tire tracks throughout the cemetery. Most likely by the developer intentionally done with plans to bulldoze the area. Advisory Council Member Zinner met with OCO and State’s Attorney, however there is no current oversight of the performance of reinternments. Hopefully the owner will be aware that this cannot happen. Part of what happened was shared with the Senate Finance Committee yesterday to shed light on the desecration. The Cemetery is designated on the Maryland Historic Registry as a historic site. The Owner sought permission for disinterment from the State's Attorney, which was granted. The Owner approached two cemeteries to assist in the dinsterment and reinterment process but both cemeteries declined. Advisory Council Member Zinner noted a weakness in the law of who is responsible for witnessing and one-time published notification requirements.

9. Financial Compliance Administrator’s Report

Report covered in the Executive Director’s Report

10. Licensing Specialist’s Report

Report covered in the Executive Director’s Report

11. Legislative Update

Assistant Attorney General Venuti provided an update on two Bills sponsored by the OCO, other related deathcare Bills, as well as Regulation Changes:

* Abandoned Cemetery Fund - Establishment and Income Tax Checkoff: (Has not yet been introduced to the Senate floor.)

Establishing the Abandoned Cemeteries Fund to provide for the care, preservation, maintenance, and restoration of abandoned cemeteries in the State; establishing a certain income tax checkoff for voluntary contributions to the Abandoned Cemeteries Fund; and requiring the Comptroller to include a checkoff on individual income tax return forms for voluntary contributions to the Fund and to include certain information in each individual income tax return package.

Discussion: Advisory Council Chair Porter suggested that the Abandoned Cemetery Fund bill could be funded by increasing the cost of death certificates.

Executive Director Rappazzo stated that a committee will need to be put together to address all areas of the Abandoned Cemeteries Fund. I will be looking for volunteers to assist me with this in the very near future.

Advisory Council Member Zinner raised his hand to be a member of the committee. Executive Director Rappazzo accepted his offer.

Executive Director Rappazzo stated that we will have to partner with outside sources to make this endeavor a success such as the Department of Public Safety and Correctional Services, County representatives, small business representatives and members of the Death Care Industry.

Advisory Council Member Zinner suggested going to the Maryland Association of Counties Conference in August 2024, to introduce the Abandoned Cemetery Fund and to obtain their support and possible additional funding.

* SB0224-Cemeteries – Burial – Transit Permits – Required Information: Hearing on 1/24 at 1:30 pm, by the Senate Finance Committee.

Requiring a person in charge of a cemetery to write on a burial-transit permit, the date of final disposition, the name and physical address of the cemetery, the burial, inurnment or scattering section and the lot and space number, or if the body or fetus was cremated and a certain authorizing agent takes control of the cremains, the name and address of the authorizing agent and the authorizing agent’s relationship to the deceased or fetus.

Discussion: Advisory Council Member Zinner stated that yesterday’s bill, SB224, updates suggested modifications by the Coalition to Protect Maryland Burials to remove requirement for disinterment permit removed from Health Department to OCO.

AAG Venuti reminded the Advisory Council Members that the enforcement of desecration of a grave is under the Criminal Code 10-402 and should be addressed there but will look into the matter. Yesterday’s Chair of the Finance Committee, Senator Pam Beidle, is in support of change as outlined in SB0224.

Advisory Council Member Fisher inquired of the difficulty of revising a change in State’s Attorney law.

AAG Venuti responded that the determination for new legislation that is requested would have to be determined by the Secretary’s Office, and that it may be too late for this legislative session.

Advisory Council Member Fisher proposed having discussions now to be prepared for next year.

Advisory Council Member Zinner perceives that the State’s Attorney does not appear to consider decisions regarding disinterment as important. This becomes an issue of family’s and relatives’ wishes versus the owner’s consideration. Advisory Council Member Fisher wants OCO to engage with the State's Attorney by requesting a seat at the table for one of their meetings to increase understanding.

Advisory Council Chairman Porter cited a quote, “If they don’t give us a seat at the table, take a chair,” Shirley Chisolm.

The Executive Director advised that staffing would need to be considered to change the State’s Attorney’s current law.

Council Member Zinner inquired about HB 593(see below) which extends the time for reporting after discovery from a 1-year limitation to a 5-year limitation for prosecution under 10-404 Criminal Law or 5-106 Courts and Judicial Proceeding, as being a time length that would still be limited. AAG Venuti clarified that the change would extend the time for prosecution by 4 years.

* HB0593-Criminal Law-Destroying Funerary Objects-Statute of Limitations: Hearing on 02/13/2024 at 1:00 pm, by the Judiciary Committee

Extending from 1 year to 5 years the statute of limitations for the prosecution relating to willfully destroying, damaging, defacing, or removing a funerary object or another structure in a cemetery or a building, wall, fence, railing, or other work for the use, protection, or ornamentation of a cemetery or willfully destroying, damaging, or removing a tree, plant, or shrub in a cemetery.

* Regulation Changes-(3): Have been posted in the Daily Register on 1/12/24 for comments (Pet Cemeteries Regulations, Failure to Respond to the Office-penalty for not responding within 30 days) and Contract Fee Increase-last fee increase was over 10 years ago.
* SB0105-Burial Sites of Enslaved Persons-Protection and Access (Emancipation for the Maryland Deceased Enslaved Act) Senate Hearing is on 01/30 at 1:00PM, by the Judicial Proceedings Committee.

Requiring an owner of land that encompasses any part of a former plantation to identify and allow visitation to certain burial sites of enslaved persons, under certain circumstances; prohibiting construction of any structure on certain burial sites; establishing the Office of Burial Sites of the Maryland Enslaved; and requiring, beginning in fiscal year 2026, the Governor to include in the annual budget bill an appropriation of $2,500,000 for the Office.

Discussion: Executive Director Rappazzo would like to see SB0105 fall under the OCO. Advisory Council Member Zinner stated he agrees that it should be under the OCO. Executive Director Rappazzo is fearful that not putting SB105 under the OCO will cause confusion.

Advisory Council Chairman Porter highlighted an article regarding a Florida slave cemetery that had been covered up by MacDill Air Force Base, for which it was discovered that 121 graves had been covered up: [https://ktla.com/news/ap-top- headlines/ap-121-unmarked-graves-in-a-former-black-cemetery-found-at-us-air-force- base-in-florida-officials-say/](https://ktla.com/news/ap-top-%09headlines/ap-121-unmarked-graves-in-a-former-black-cemetery-found-at-us-air-force-%09base-in-florida-officials-say/)

* Alkaline Hydrolysis-Opinion from the Maryland Attorney General:

AAG Venuti advised that the Maryland Attorney General issued an opinion that Alkaline Hydrolysis is not included under the definition of cremation in Maryland. Therefore, it is illegal to perform Alkaline Hydrolysis in Maryland.

Discussion: Advisory Council Member Palmer is working on a bill to legalize Natural Organic Reduction and Alkaline Hydrolysis.

AGG Venuti stated he has only seen a draft of the bill.

Advisory Council Member Palmer inquired of whether the OCO will support the bill.

Executive Director Rappazzo responded that legislative changes may or may not have an impact on the OCO. The OCO will have to wait to see if this new bill would have any impact or not to the OCO. However, I feel that this bill may have more of a functional impact on the Environmental Protection Agency (EPA), etc.

Advisory Council Member March inquired of whether the Maryland Board of Morticians and Funeral Directors must consult with OCO. Executive Director Rappazzo affirmed that the OCO would need to do so, as our statutes are parallel.

12. Public Comment

Consumer Cody- Stated that before the establishment of the OCO, that the first cemetery bill proposed by Cemetery Association included all cemeteries to be regulated by the OCO.

Advisory Council Chair Porter thanked Mr. Cody for his presence in the meeting. Mr. Cody added that churches today need the protection of the perpetual care funds to care for their cemeteries.

13. Adjournment The meeting was adjourned at 11:30 am, Council Member Palmer moved, no objections. Next meeting is February 22, 2024.

\*The starred items may be deferred until the February 2024 meeting.

\*\*\*A portion of this meeting may be closed pursuant to the General Provisions Article

Annotated Code of Maryland, §3-305(b)