

THE TOLLING BELL

WINTER 2009

Burial or cremation: The eternal question

Death is both a dividing and unifying force, the ultimate mystery that every culture and time struggle with. Is it the end of life or just the beginning of a new one? Will the next life be a physical or spiritual reincarnation? Will the physical possessions of this life be needed in the next one?

Shamans and philosophers have debated these questions and more for eons, and the debate will continue long after the debaters have passed on themselves. What can be agreed on is that ancient peoples had many different styles of saying goodbye to their loved ones.

A review of the historical record shows as many different styles of disposition as there are grains of sand. By and large, the American Indians inhabiting what is now coastal Georgia employed burial as their primary means of disposition. Yet, a recent archeological find on Ossabaw Island found a cremation pit with human digits dating from the Woodland Period (1000 B.C.–900 A.D.). In a culture that employed many different forms of burial, why were some remains cremated? Was it individual choice? A result of disease or superstition? An act venerating for a revered figure, or ostracizing a criminal?

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Similarly, a 12,000-year-old skeleton found in northern Israel astonished archeologists recently because of its location and artifacts included with the burial. Archeologists speculate that the woman, in her mid-40s was interred alone in a grave carved out of stone, unusual enough in a time of multiple-decedent ground burials. Added to that were physical clues suggesting she was deformed, a common denominator among shaman/priestesses or witch doctors in the Natufian culture, which likely accounted for the large amount of tortoise shells, other animal parts, and the mortar and pestle included in the grave. Was she merely buried with the badges of her office in a sign of respect, or did her people believe she would need these tools in the next life? Were the tortoise shells and animal a tribute, or the remains of a funeral feast?

Educated guesses, pieced together through careful study of excavated graves, will provide some answers to our questions of why our ancestors employed such diverse means of disposing of their dead. Undoubtedly, it will be a complex mixture of environmental conditions, religious and

societal customs, and personal choice. After all, aren't these the elements that lead people today to choose burial in a cemetery, or to be cremated and scattered at sea? What will an archeologist 2,000 years from now make of the LifeGem process, where the cremated remains of your loved one can be made into an artificial diamond? Or of finding human remains on the sea floor, after a committal at sea by the Armed Forces? Will they conclude that the inclusion of cremated remains in an artificial reef was meant to honor, rather than ostracize the decedent? In the end, perhaps the only certainty is that the deceased had a funerary rite according to the context of their particular culture, hopefully one that gave peace to their loved ones.

You can read more about these fascinating archeological finds in the Proceedings of the National Academy of Sciences (www.pnas.org) and through Georgia's Council on American Indian Concerns (www.gadnr.org). Other informational gems can be found at www.lifegem.com, www.eternalreefs.com, and the ever-popular Yahoo and Wikipedia Web sites.

Web site makeover

Have you visited our Web site, www.cfb.ca.gov, lately? We've had an extreme makeover, and it's something we are very proud of!

After listening to the comments of staff and callers, we decided the time for a change had come. Besides reorganizing the home page into areas of interest for consumers, licensees, and applicants, we've added the ability to change the font size for ease of reading, put up more links to

outside resources, and generally tried to make our Web site more user friendly. In fact, the bottom of the home page now features easy-to-use buttons linked to "Enforcement Lookup," "Consumer Guide," "License Verification," "Pre-Need Q&As," and "Newsletter."

What do you think of our new look? Let us know by clicking on "E-mail the Bureau" at the bottom of the home page, or on the "Contact Us" tab.

Discover the California Department of Veterans Affairs

We want licensees and consumers alike to know that the Department of Consumer Affairs is more than just the Cemetery and Funeral Bureau. That's why, in the third issue of our newsletter, we detailed what DCA can do for you. Similarly, we want to make other parts of State government less mysterious and more accessible. Toward that end, this is the beginning of a series of articles on other State agencies that impact our licensees and consumers.

For this article, we asked the California Department of Veterans Affairs (CDVA) staff to provide answers to the most commonly asked questions about funerals and cemeteries. A heartfelt thank-you goes out to Christopher Colbert of CDVA, who provided this material.

STATE AND NATIONAL VETERANS CEMETERIES IN CALIFORNIA

State veterans cemetery

The Northern California Veterans Cemetery (NCVC) is the first state-owned and operated veterans cemetery in the Golden State. Located near Redding, the cemetery serves the veteran population in 18 Northern California counties. The currently developed area of the cemetery provides sufficient burial space for more than 30 years. Beyond that, the cemetery has the capacity for expansion. Any eligible veteran, along with spouses and eligible dependents, may be interred at the cemetery. There will be a \$500 interment fee for eligible spouses and dependent children at the time of need. Associated funeral expenses are incurred by the veteran and/or family.

An eligibility determination form is required at the time of need or may be used for a pre-need determination. Pre-need determination allows a veteran to establish in advance, his or her eligibility for interment at the Northern California Veterans Cemetery. There is no cost for pre-need determination, and it does not obligate the veteran to be interred at the cemetery. Pre-need determination is intended to simplify and assist the veteran's next-of-kin at the time of death.

The eligibility form is available for downloading at www.cdva.ca.gov/Cemetery/DocsAndImages/DVS-100-8-05.pdf.

You can contact the NCVC at:

Northern California Veterans Cemetery
P.O. Box 76
11800 Gas Point Road
Igo, CA 96047-0076
(866) 777-4533
www.cdva.ca.gov

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National cemeteries in California

There are currently seven national cemeteries in California, with an eighth national cemetery near Bakersfield scheduled for completion sometime in 2010. Three of these cemeteries (Riverside, Sacramento Valley, and San Joaquin Valley) are presently accepting new interments, and Fort Rosecrans National Cemetery (near San Diego) still offers burial of cremated remains. The other national cemeteries in California are only accepting burials of family members of persons already interred. (See the list below for contact phone numbers for each of these facilities.)

Those eligible for burial in a national cemetery include veterans; service members who die on active duty; certain Reservists and National Guard members; World War II Merchant Mariners; U.S. citizens who served honorably in the armed forces of an Allied government during a war; and such other persons or classes of persons as may be designated by either the Secretary of Veterans Affairs or the Secretary of the Air Force. The spouse or unremarried surviving spouse and the children (as defined) of eligible persons are also eligible for burial in a National Cemetery.

Fort Rosecrans National Cemetery**

San Diego
(619) 553-2084

Golden Gate National Cemetery***

San Bruno
(650) 589-7737

Los Angeles National Cemetery***

Los Angeles
(310) 268-4675 or 4494

Riverside National Cemetery*

Riverside
(951) 653-8417

Sacramento Valley National Cemetery*

Dixon
(707) 693-2460

San Francisco National Cemetery***

San Francisco
(650) 589-7737 or 1646

San Joaquin Valley National Cemetery*

Santa Nella
(209) 854-1040

* *This cemetery is currently accepting new interments.*

** *This cemetery offers burial of cremated remains.*

*** *This cemetery is only accepting burials of family members of persons already interred.*

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ELIGIBILITY FOR BURIAL IN CALIFORNIA STATE VETERANS CEMETERIES

Military service requirement for burial in California state veterans cemeteries must be in accordance with the eligibility standards as set by the U.S. Department of Veterans Affairs, National Cemetery Administration. The U.S. Department of Veterans Affairs has adopted regulations to establish the eligibility requirements for interment in a state veterans cemetery. The regulations make the state eligibility requirements for burial in a state veterans cemetery equivalent to requirements for burial in a national cemetery and provide for the Department's collection of information in order to determine eligibility.

At a minimum applicants must meet one of the following requirements:

- ☛ Veteran was discharged from "active duty" under other than dishonorable conditions; or
- ☛ Veteran died while on "active duty"; or
- ☛ Veteran served at least 20 years in the National Guard or Reserves and qualified for military retirement pay (or would have qualified except death occurred before age 60).

California state residency requirement* for burial in state veterans cemeteries must meet one of the following:

- ☛ Veteran was a California resident at the time of entry or re-entry into military service; or
- ☛ Veteran was a California resident at the time of death; or
- ☛ Veteran was a California resident for at least 12 consecutive months after entering or reentering service on "active duty."

Burial benefits may include the following: gravesites for casket or cremation remains, headstones or markers, opening and closing of the graves, and continued perpetual care. Burial of an eligible veteran is at no cost to the veteran. A fee is charged at the time of interment for spouses and dependent children of eligible veterans. Veterans are encouraged to establish eligibility and pre-register for interment by contacting one of the cemeteries. There is no cost or obligation for pre-registration. There will be a \$500 interment fee for eligible spouses and dependent children at the time of need. Associated funeral expenses are incurred by the veteran and/or family.

** There is no residency requirement for a veteran who dies while on active duty. Spouses and dependent children of veterans who were eligible for burial may also be interred in state veterans cemeteries.*

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MILITARY FUNERAL HONORS PROGRAM

What types of military funeral honors are available?

At minimum, two service representatives will render honors, sound taps, fold the flag, and present it to the next of kin. Additionally, a detail to fire volleys, a chaplain, and/or a detail to serve as pall-bearers may be provided depending on the desires of the surviving family and resources available.

Frequently, funeral honors are rendered in concert with local Veteran Service Organizations, such as Veterans of Foreign Wars, American Legion, Marine Corps League, etc., which may perform one or more of the above functions.

Whom should I contact?

Family members of the deceased veteran should first notify their funeral director of their desire to have military funeral honors rendered at the service. The family should provide the funeral director with as much of the following as possible:

- ☛ Name of deceased, date of birth, Social Security number, form DD-214 (discharge), or any other proof of veteran status or eligibility for burial honors.
- ☛ Branch of service (active, reserve, or National Guard).
- ☛ Type of service (wartime, active duty retired, Reserve/National Guard retired).
- ☛ Special awards or medals (such as Purple Heart).

Who is eligible?

Veterans are eligible for military funeral honors if they meet one of the following requirements:

- ☛ Were discharged from active duty under conditions “other than dishonorable.”
- ☛ Completed at least one term of obligated service in the selected Reserve under conditions “other than dishonorable.”
- ☛ Were enlisted on active duty at the time of death or in the selected Reserve (drilling with a unit).
- ☛ Discharged from the selected Reserve due to disability incurred or aggravated in the line of duty.

The funeral director should contact one of the following Casualty Area Commands depending on the veteran’s branch of service:

Air Force – Mort Affairs/Mil Honors
(800) 586-8402 (Travis AFB),
Casualty Assistance/Benefits (866) 819-7250

Army – North of Fresno: Fort Lewis, WA
(888) 634-7496
Fresno and Southern California:
Fort Huachuca, AZ (800) 248-0759

Coast Guard – (510) 437-5922 (Alameda)

Marine Corps – (866) 826-3628 (Quantico)

Navy – (800) 326-9631 (San Diego)

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BURIAL AND PLOT INTERMENT ALLOWANCES

What are VA burial allowances?

VA burial allowances are partial reimbursements of an eligible veteran's burial and funeral costs. When the cause of death is not service related, the reimbursements are generally two payments: (1) a burial and funeral expense allowance, and (2) a plot or interment allowance.

Who is eligible?

You may be eligible for a VA burial allowance if ALL of the following apply:

- ☛ You paid for a veteran's burial or funeral.
- ☛ You have not been reimbursed by another government agency or some other source, such as the deceased veteran's employer.
- ☛ The veteran was discharged under conditions "other than dishonorable."

In addition, at least one of the following conditions must be met:

- ☛ The veteran died because of a service-related disability.
- ☛ The veteran was receiving VA pension or compensation at the time of death.
- ☛ The veteran was entitled to receive VA pension or compensation, but decided not to reduce his/her military retirement or disability pay.
- ☛ The veteran died while hospitalized by VA, or while receiving care under VA contract at a non-VA facility.
- ☛ The veteran died while traveling under proper authorization and at VA expense to or from a specified place for the purpose of examination, treatment, or care.
- ☛ The veteran had an original or reopened claim pending at the time of death and has been found entitled to compensation or pension from a date prior to the date of death.

- ☛ The veteran died on or after October 9, 1996, while a patient at a VA-approved state nursing home.

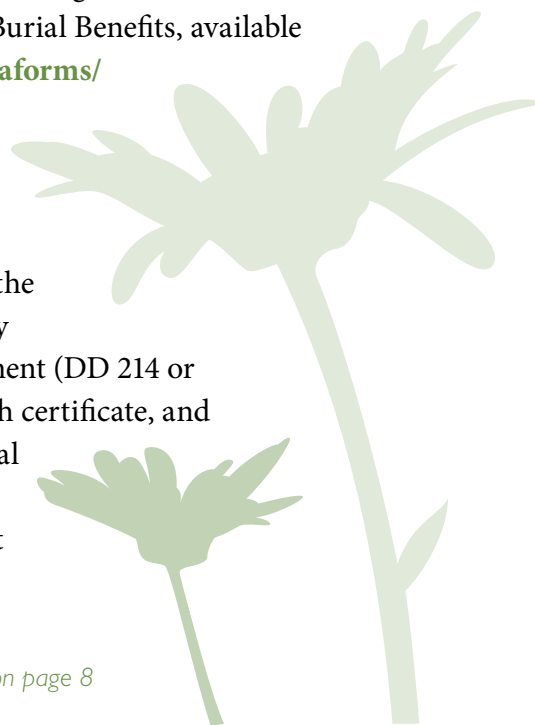
How much does VA pay?

Service-related death: VA will pay up to \$2,000 toward burial expenses for deaths on or after September 11, 2001. VA will pay up to \$1,500 for deaths prior to September 10, 2001. If the veteran is buried in a VA national cemetery, some or all of the cost of transporting the deceased may be reimbursed.

Non-service-related death: VA will pay up to \$300 toward burial and funeral expenses and a \$300 plot-interment allowance for deaths on or after December 1, 2001. The plot-interment allowance is \$150 for deaths prior to December 1, 2001. If the death happened while the veteran was in a VA hospital or under VA contracted nursing home care, some or all of the costs for transporting the veteran's remains may be reimbursed.

You can apply by filling out VA Form 21-530, Application for Burial Benefits, available at www.va.gov/vaforms/ or your local County Veteran Services Office. You should attach a copy of the veteran's military discharge document (DD 214 or equivalent), death certificate, and funeral and burial bills. The bills should show that they have been paid in full.

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PRESIDENTIAL MEMORIAL CERTIFICATES

A Presidential Memorial Certificate (PMC) is an engraved paper certificate, signed by the current President, to honor the memory of honorably discharged deceased veterans.

The program was initiated in March 1962 by President John F. Kennedy and continues to this day. Eligible recipients include the next of kin and loved ones of honorably discharged deceased veterans. More than one certificate may be provided.

Eligible veterans, or someone acting on their behalf, may apply at any VA regional office, by U.S. mail, or by toll-free fax. Requests cannot be sent via e-mail. Enclose a copy of the veteran's discharge and death certificate to verify eligibility. No requests will be processed without proof of honorable military service. Please submit copies only, as we will not return original documents.

If funeral homes have questions or would like an application form sent by e-mail, please contact pmc@va.gov. Instructions on the PMC can be found at www.cem.va.gov/cem/pmc/faxpmc.asp.

HEADSTONES AND MARKERS

The Department of Veterans Affairs (VA) furnishes upon request, at no charge to the applicant, a Government headstone, or marker for the unmarked grave of any deceased eligible veteran in any cemetery around the world, regardless of their date of death.*

For eligible veterans that died on or after Nov. 1, 1990, VA may also provide a headstone or marker for graves that are already marked with a private headstone or marker. When the grave is already marked, applicants will have the option to apply for either a traditional headstone or marker, or a new device (available spring 2009).

Flat markers in granite, marble, and bronze and upright headstones in granite and marble are available. The style chosen must be consistent with existing monuments at the place of burial. Niche markers are also available to mark columbaria used for inurnment of cremated remains.

When burial or memorialization is in a national cemetery, state veterans' cemetery, or military post/base cemetery, a headstone or marker will be ordered by the cemetery officials based on inscription information provided by the next of kin or authorized representative.

Spouses and dependents are not eligible for a government-furnished headstone or marker unless they are buried in a national cemetery, state veteran's cemetery, or military post/base cemetery.

** There is no charge for the headstone or marker itself; however, arrangements for placing it in a private cemetery are the applicant's responsibility and all setting fees are at private expense.*

Why not?

Funeral homes can have multiple lives

An article last fall in the *Chicago Sun-Times* (www.suntimes.com) explored the lighter side of life in a funeral home. It reported that a wedding took place at Starks and Menchinger Family Funeral Home, where the groom was employed as a funeral director.

Although this idea may seem gruesome or morbid to some, to others it seems like a lovely way to reaffirm life and love. After all, weddings and funerals share a great many traditions – flowers, candles, music, a priest/pastor speaking ritual words — and, most important, a gathering of friends and family to witness a life-altering event. Is it really the location that makes the event, or is it the intent of those that gather there? Just because a funeral home most often bears witness to grief doesn't mean it can't be a site of joy and celebration as well. While you may not want to advertise that you allow weddings at your

funeral establishment, you may offer the chapel to employees or family for small weddings or vow renewals and see what the response is.

Similarly, in these tough economic times, it might be difficult for local community groups in your area to afford to pay the rental fees on city/county facilities to hold meetings. You could step forward and offer your funeral home as a meeting place for a community group you are active in, or even one that just hits close to home, such as Alcoholics Anonymous. How about offering to assist with a local adult literacy campaign, especially if your local library has been hit hard by budget cuts?

These are just a few examples of ways that your funeral home can lead your community to an understanding that the death care industry wants to be known as much for its caring as for the funeral services it provides.



Cemetery and Funeral Bureau staff members attended the December 2008 Holiday Party at Monterey Bay Cannery.



Legislative update

The following is a summary of legislation effective January 1, 2009

AB 1911 Galgiani (Chapter 490, Statutes of 2008) Disclosure of disciplined license(s)

Any individual holding or named on a license/ registration administratively disciplined by the Bureau within 10 years must disclose this information to the licensed manager/broker of a funeral establishment/cemetery/crematory/ broker when seeking employment with, or employed by, in any capacity, a licensed funeral establishment, cemetery, crematory, or cemetery broker. Failure to do so will result in disciplinary action. The notified manager/broker then has 30 days to notify the Bureau, on a specified Bureau form, of the employment of said individual. Failure to do so shall result in a warning.

Change of cemetery ownership

Fifty percent or more change of ownership in a cemetery must be reported to the Bureau and a local county newspaper, including all owners/ stockholders. Authority of ownership cannot be delegated, except to another Bureau licensee. Failure to adhere to this requirement will result in suspension of the cemetery license by the Bureau. False information is subject to up to \$25,000 in civil penalties.

Adds Business and Professions Code section 7636 and 9615 and amends Health and Safety Code section 8585.

AB 1932 Smyth (Chapter 126, Statutes of 2008) Simi Valley Public Cemetery

Allows the city of Simi Valley a constitutional exemption to acquire, develop, and utilize five acres or more of land as a public cemetery.

Adds Health and Safety Code section 8125.5.

AB 2946 Hayashi (Chapter 504, Statutes of 2008) Cemetery Fund quarterly fees

Reinstates the \$8.50 fee paid by cemeteries and crematories to the Bureau for each burial, entombment, inurnment, and cremation.

Amends Business and Professions Code sections 9765 and 9786.

SB 1225 Harman (Chapter 114, Statutes of 2008) Limited Liability Company (LLC) as a cemetery licensee

Modifies the Cemetery Act to allow the issuance of a Certificate of Authority (COA) license to a LLC. (Current law requires a COA licensee to be a corporation). Requires LLC to provide a security for claims against COA, such as insurance, trust, or bond with a minimum value of \$1 million and a maximum of \$5 million (amount varies depending on number of employees).

Restrictions on LLCs as licensees

Bureau licensees (FDR, CEB, etc) providing services to LLC are prohibited from owning any ownership interest in the LLC COA. Discovery of any prohibited licensee with an ownership interest allows Bureau to suspend COA license, with reinstatement only upon divestiture of interest or voluntary surrender of license(s).

Adds Business and Professions Code sections 9653.5 and 9653.6. Amends Health and Safety Code sections 7018 and 8252.

SB 1135 Ducheny (Chapter 545, Statutes of 2008) Cemetery Endowment Trust Funds

Doubles current amount(s) required to be deposited into the Endowment Care Fund at the time of, or not later than completion of, initial sale of a grave/niche/crypt.

Amends Health and Safety Code section 8738.

Cemetery and Funeral Bureau – Disciplinary actions

As part of our Web site redevelopment, we are working on making disciplinary actions available online. The ‘Enforcement Lookup’ button on the bottom of the page at www.cfb.ca.gov will allow you to review Bureau disciplinary actions. If the feature is not yet available at the time this newsletter goes to press, or is not functioning properly, you can call the Bureau’s Enforcement Unit at (916) 574-7870.

You can review Bureau disciplinary actions online at www.cfb.ca.gov. Click on the “Enforcement Lookup” tab at the bottom of the page. Contact the Bureau’s Enforcement Unit at (916) 574-7870 if you have questions or problems with the enforcement lookup feature.

Laws and regulations

Current editions of the laws and regulations governed by our Bureau are available online. The relevant sections of the Business and Professions Code, Health and Safety Code, California Code of Regulations, Welfare and Institutions Code, and the Federal Trade Commission Funeral Rule are all included on our Web site. Click on the Laws/Regs tab at the top of the page to find existing laws, new laws, and proposed regulations.

Another great resource is www.leginfo.ca.gov where you can find official California Legislative information, including bills, and California law.

Look for an updated and current version of the laws and regulations later this year!

Licensee address update

If you are a licensee and your address of record needs to be updated, please complete this form and fax it to (916) 928-7988 or mail it to:

Cemetery and Funeral Bureau
1625 North Market Boulevard, Suite S208
Sacramento, CA 95834
ATTN: Licensing Unit

Licensee Name:

License Number(s):

Current Address:

Previous Address:

City:

State:

Zip Code:

Phone Number:

Signature:

Note: *Changing your address will not generate a new license. If you need a license reflecting your updated address, please refer to the instructions on how to order a duplicate license on the Bureau’s Web site www.cfb.ca.gov.*

CEMETERY AND FUNERAL BUREAU

1625 N. MARKET BLVD., SUITE S-208

SACRAMENTO, CA 95834

WWW.CFB.CA.GOV

Staff updates

Congratulations to Lucy Hopkins, who accepted the position of the Bureau's legislative analyst in November. Lucy will be kept busy for the next several months as she works on the backlog left at that desk since the position was vacated in June. She will also be training the replacement for her previous position as the Bureau's personnel and contracts analyst.

Welcome back to John Paul! John is a retired annuitant who worked in the Bureau's Audit Unit prior to the summer budget difficulties, which led to his being laid-off. We've got our fingers crossed that we will be able to keep him this time, since his work in the Audit Unit is invaluable to the CFB.



Do you need duplicate licenses?

Attention all managers! Did you know that you must request a duplicate renewal license for each business that you manage each time you renew your license if you are the designated licensed manager for more than one location?

To order a duplicate renewal license for each facility, send a written request stating your name, license number, and the quantity of licenses needed. Please include the fee of \$40 each for a funeral director or \$25 each for cemetery and crematory managers. Be sure to include your license number, name, and address with the request. Do not send your request for duplicate licenses with your renewal application.

Submit the request for your duplicate licenses to:

Cemetery & Funeral Bureau
P.O. Box 989003
West Sacramento, CA 95798-9003.

Still have questions? Call us at (916) 574-7870 and ask to speak with one of our Licensing Unit staff.

