



#### **SUMMER 2012** A Federation of Nonprofit Funeral Information Societies

Protecting a consumer's right to choose a meaningful, dignified, and affordable funeral since 1963

#### **Conference Wrap-up**

Big thanks to the FCA of Southern Arizona, all of our attendees and speakers, and the Viscount Suite Hotel for making our 2012 conference a hit! This time around we had the highest proportion of first-time conference-goers ever, and a surprisingly young crowd for a group that talk about death pretty much all the time.

Not only did all of you entertain and inform all of us, but you showed your love for FCA by donating more than \$4,000 during our closing banquet. We love you back!

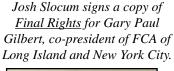
To download audio files of speakers and workshops, go to **funerals.org/conference**. If you don't see the presentation you're looking for that means we do not and will not have it.

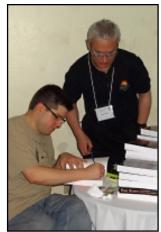


Jane Hillhouse of Final Footprint shows off a wicker casket



Karen Smith of the FCA national board chats with Lisa Carlson, featured speaker, at the closing banquet.





### Is it Time for a Changing of the Guard?

We all know her, the passionate activist who founded the organization, or the committed president who's been at the helm for years. She's got an encyclopedic memory of funeral practices and prices in your area, and she can tell stories about what it was like to deal with the town's undertakers back in the days when funeral consumer advocacy was new.

Or, maybe he's the long-serving president who's made sure the Funeral Consumers Alliance of Anytown has never failed to hold an annual meeting in its 30-year history. He can tell you who sits on the state's funeral regulatory board and who originally owned the funeral home you have a contract with.

This is where the "but" you've been anticipating comes in: The flip side of long and loyal service can be organizational stagnation and the concentration of power in too few hands. Sometimes it's called "founder's syndrome," the phenomenon of a magnetic and competent personality that roots itself so deeply into the organizational structure that fellow board members are afraid to ask for a change of direction.

It happens in all organizations, business and nonprofit, political and *(continued next page)* 



charitable. And it's happening at some FCAs. Bringing up interpersonal issues can be mighty uncomfortable, but this has to be discussed, even at the cost of some ruffled feathers. We must remember that the organization doesn't belong to its board, its founder, or its president. It exists, legally and ethically, to serve its members and the public. If a longtime leader is causing a problem then colleagues on the board have an affirmative responsibility to address the problem for the good of the organization.

Here are some examples from the past year (names and identifying details have been changed).

#### 1. Carl from FCA of Whoville

called to express concern that Hugo, who has been president for decades, is in failing health. Hugo won't answer the phone, Hugo is the only signatory on organizational bank accounts, and Hugo won't answer direct questions about how he plans to ensure FCA of Whoville's accounts don't go to the grave with him. Because Hugo has been in the president's chair for so long a mystique has built up around him. Board members are afraid to confront him directly, so they sit on their hands for years.

Then the board receives a letter from the state informing them that, for eight years in a row, Hugo has failed to file paperwork relating to the group's nonprofit. Now the organization has to scramble to get legal advice and reconstruct eight years of reports from records that Hugo is still sitting on.

# 2. Jane from FCA of Funkytown called to ask a common question, "How do we get younger people on our board?" This is a tougher question to answer than it might sound. There's no magical formula, and much of what makes an organization attractive to a new recruit depends on all the personalities involved; it's subjective. I had to share with Jane some uncomfortable

news: several younger recruits enthusiastic about FCA of Funkytown left frustrated and told me about it privately. The board meetings came off, they said, like an insider's senior citizen lunch club. Everyone was very nice, of course, but the conversation was filled with, "Well we've always done it this way," "I've been president for 10 years and therefore. . .," and general objections to taking on new projects because "We just don't have the energy and we tried that before."

Without knowing it the board drove off the new blood needed to take on those projects and carry on the organization. Though they didn't mean to, the long-serving directors of FCA of Funkytown treated the organization as if it existed to serve their interests rather than the public's and the members. Nobody wants to join an organization that looks like a clique.

These examples aren't rare; they're pretty common among FCA affiliates that are struggling. Here are some tips to right the ship:

Enforce term-limits. No person should ever be a director or officer for 10, 20, or 30 years. If your bylaws don't contain term limits you should amend them right away. Whether you choose two, three, or four-year terms, board members should be limited to two consecutive terms. This means in any position at all on the board, not just an officer's position. There's no reason a loyal member can't continue to support the organization but she should not be in a voting position after the term limit.

Remember our mission. Your FCA exists to serve the public and your membership. The personal desires of board members must always take second place if there's a conflict. It is irresponsible to shy away from suggesting that a new person take on a role currently filled by a long-time member because you're afraid of upsetting the apple cart. Apple carts sometimes need to be spilled and restocked with new fruit.

It doesn't have to be a nightmare, either. Long-serving members are loyal and do great things for an organization, and expecting them to step aside over time is not an insult. You can approach them kindly, noting their long service and suggesting it would help lift some of the load from their shoulders to have some new blood.

If you're afraid to do this because "then we won't have a president because no one else will serve" your organization has larger structural problems. A warm body isn't good enough, and sometimes it's better to coast for a while with a position unfilled.

Listen to new recruits. When new people join your board, ask them what fired them up. What would make your service in FCA fun? What consumer issue works you up so much you'd willingly devote three hours of service a week? If they tell you something you've never thought of before, listen to them and digest it. Resist the urge to reply "but we don't do that kind of thing" unless it's a truly bizarre proposal. When new members, particularly younger folks, talk about things your board has never addressed that may indicate that what you've always done is out of step with the times and unappealing to the next generation. Let your young blood experiment; you'll often find the enthusiasm is contagious and it can renew your spark, too!

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Josh Slocum, editor
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otherwise noted.
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Funeral Consumers Alliance
33 Patchen Road
South Burlington, VT 05403
802-865-8300
fax: 802-865-2626
Email: fca@funerals.org
www.funerals.org

#### Resource Round-Up

Every FCA volunteer should keep handy a copy of these excellent state-specific consumer rights pamphlet. Lisa Carlson of Funeral Ethics Organization has distilled the information from the book Final Rights: Reclaiming the American Way of Death into tri-fold brochures available free at funeralethics.org/rights.

These plain-English guides are useful to funeral consumers, social workers, hospice, hospital staff—anyone who needs to know their rights and options quickly. The brochures address:

- How to file death-related paperwork if you take on a do-it-yourself funeral
- How well (or how badly) your prepaid funeral money is protected and whether you have a right to a refund or transfer

be found here:    Properties or Transition   Properties		for contrology merchandrae, making a refund impossible. In fact, them are no contrology re-fund provisions in the statutes.  Setting saids across for Medical eligibility is the one time it endoes serve to prepay for a famoral, \$5,000 is the annihumon in an intercontinuous has make the analyst saids and contrology overviews are not connected. He were to ask if you will be togetting an annual rapport of your propaid family and let those who will be hondring your affairs home that you have prepaid.  Social Security Death Densift  There is a \$2.55 death Densift for a surviving spouse. These is no similar benefit when that you have proud do.  Deponder is thicken are entitled to survivor benefits when a parent doe.		Valid complaints include dishonately, minepper- sentation, supportionismost conducts, notification, breach of contents, violenties of state or federal time. For how or file in complaint, near new increase originated dishonated in the Department of Insurance in guidates premed sales;  The Board of Flavoral Starvice handles all other function or the state of the state of the state wave, insurance adhieved por The Board of Flavoral Starvice handles all other function or productions wave of the alphanea gos Made of the information for this brother was taken from Fand higher flavoral complaints.  Additional information may be found at www. Insurance and	Your Funeral Consumer Rights
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Qualified Funeral Trust	◆ If imevocable, it won't be an asset for Medicaid.     ◆ The trust pays taxes on the interest.		◆ The funeral home may keep up to 20% plus interest if you cancel a contract after 2002. Earlier contracts may allow more to be withheld. ◆ There is no guarantee final to protect against entherlorisment. ◆ Thus may be paid on interest that otherwise weakle's to taxed if you are low-income.		
Master or Simple Trust	◆ If improcable, it won't be an asset for Medicaid. ◆You are supposed to receive an annual report of the interest carried which will serve as reassurance your funeral funds as so.		◆ The funeral home may keep up to 20% plus interest if you cancel a contract after 2002. Earlier contracts may allow more to be withheld. ◆ You will have to declare the interest on year to return. ◆ Can be converted to insurance without your permission. (See below.) ◆ There is no guarantee fund to protect against embeddement.		Peneral Ethics Organization
Funeral or Life Insurance	Fasily portable.     If the funeral home is the beneficiary, it won't be considered an asset for Medicaid digibility.     The insurance company pays the tunes.		◆ If you need to cancer, you may not get back more than half you paid. ◆ If poying over time, you may put twice the face value. ◆ There may be a No-the delay in receiving funds for which the funeral home may charge an extra for.		87 Upper Access Bd. Historburg, VT 05464 https://www.funeralenblec.org 2002

State regulatory agencies that handle complaints

- Whether the state helps pay for indigent burial
- Any wait-times prior to cremation
- Rules for shipping bodies out of state and much more.

Don't forget the Affiliate Resources Section of funerals.org. Almost anything you could ever want is there. Here's a sample:

- Guidebook for Running a **Funeral Consumers Alliance**
- Telephone tips—how to delegate call response, how to answer consumer queries, and how to save money on your phone bill
- Complete instructions for doing a funeral price survey along with answers to common questions about the FTC Funeral Rule
- Tips for tracking funeral-related bills in your state legislature
- Sample presentations from FCA groups around the country



—Have you revisited your discount agreements with cooperating funeral homes? The Austin Memorial and Burial Information Society did. What they found convinced them to discontinue member discounts—because they weren't actually saving members money. From the AMBIS Newsletter: **fcaambis.org.** 

#### **Update on Funeral Home Agreements**

Effective February 29, 2012, AMBIS will no longer have written agreements with any funeral homes in our service area. The Governing Council made this decision at their November 17, 2011, meeting based on a variety of factors.

The funeral market in our service area has become increasingly competitive due, at least in part, to the information provided by our annual funeral home survey. For example, the prices for direct cremation on the open market have continued to go down – so much so that retail prices for everyone, not just members, were lower than the 15% discount agreements for AMBIS members.

Even though the funeral home agreements specified that participating funeral homes were to report to us the names of AMBIS members served, not all of the funeral homes were providing this information in a regular or timely manner. Without these reports we had little opportunity to follow up with family members to see if they were satisfied with the funeral home and to work with funeral homes to improve service to our members.

For several years now, AMBIS has not had a volunteer funeral home liaison to consistently and conscientiously monitor participating funeral homes to ensure that they are compliant with funeral industry rules and regulations, treating our members well, and not urging them to purchase unnecessary goods and services. In January of 2012 the Governing Council sent notification letters to the owners of participating funeral homes. We advised them that the funeral discount program is being reassessed and that AMBIS appreciates the service they have provided.

—So, what value do members and the community get without discounts? Just read AMBIS volunteer Lamar Hankins' report:

I just distributed our new price surveys to a local hospice. As I started to say I was "a volunteer with the Austin..." a social worker interrupted me to say, "Oh, are you here with the new surveys? This is great!" He was even more delighted to learn that he can download the survey from the website in an 8 1/2" x 11" format.

The social worker went on to tell me that their families usually are able to negotiate for better prices if they go into a funeral home with a copy of our survey. He told me one family recently got a complete full-service funeral from one of the more expensive funeral homes in Austin for about \$6,000, which is around \$3,000 lower than what was on the funeral home's price list. This same funeral home has always had among the highest casket prices, but when they learned the family knew where and how to get caskets for less, they reduced the casket price as well as some other prices to get their business.

#### **Leave More Than Memories!**

We FCA members plan for the inevitable to make life easier when it continues for our survivors after we're gone. As a national federation of consumer groups, we help Americans in our own communities and from coast to coast to do the same.

Please help us keep on keepin' on with a gift from your estate. Adding just a few short sentences to your will is all it takes to leave FCA a gift that will help ensure the cause you gave your time and your money to in life will go on.

We're not asking for your heir-loom china or your 401K (but if you're looking for a good home for it after your death call us!), just a percentage of what you leave behind. Maybe it's 10 percent, 5 percent, even just 1 percent.

It all helps. While you can't take it with you we promise we'll take very good care of it indeed!

Here's a suggested codicil for your will. You can consult your estate-planning lawyer with questions but it's easy to leave us a legacy with the language below. Please clip and send us the coupon at right when you make your bequest. Thank you!

"I bequeath [dollar amount of percentage of residual estate] to Funeral Consumers Alliance, Inc., a 501(c)(3) nonprofit consumer education organization headquarted in South Burlington, Vermont. FCA's federal identification number is 52-1095109. I make this bequest as an unrestricted gift."

#### Please check all that apply.

- \_\_\_I have included FCA, Inc. in my will
- \_\_\_I have added a codicil to my
- \_\_\_I have named FCA, Inc. as a beneficiary on a CD, life ins policy, commercial annuity or retirement plan
- \_\_\_I have opened a bank account in trust for FCA, Inc.
- \_\_\_I have named FCA, Inc., the beneficiary of a charitable remainder trust

Thank you!

#### Citizens Activists Can Move Legislative Mountains

-Elizabeth Radigan, member, Funeral Consumers Alliance of Oregon

It all felt very familiar. First, walking into the Capitol Building very early on a Monday morning. Then waiting in line to sign up to give my testimony before entering the hearing room where the Senate Committee on General Government, Consumer and Small Business Protection. However this time the issue was very personal and concerned a topic that isn't much discussed in private much less in public: Funeral consumer protection. The matter at hand was Oregon Senate Bill 1502, proposed by the Oregon Funeral Directors Association, that would reduce the size of the Oregon Mortuary and Cemetery Board and change its composition. The proposed changes would have tilted the board's makeup toward more industry members with fewer safeguards to ensure diverse interests and points of view. I was there to deliver the statement in opposition prepared by the Funeral Consumers Alliance of Oregon.

Before my husband was diagnosed with brain cancer, I was actively advocating for public projects and policy changes to improve conditions in my own community. My interest in neighborhood revitalization drew me into many planning and redevelopment issues and I was appointed to many committees by officials seeking citizens who could bring an informed perspective. I regularly appeared before the City Council and on several occasions testified at the Legislature. I spoke as a representative of my community and that precluded sharing my personal story or personal opinion.

That was the difference with SB 1502: my testimony was personal and it needed to be my personal story. When it comes to funeral service matters, the industry representatives and elected officials need to be reminded exactly who the consumers are and why our need

#### Reader's Corner

If you've tired of hearing the word 'closure' applied to every situation from the death of a grandmother to surviving a war you might want to pick up Nancy Berns' *Closure: The Rush to End Grief and What It Costs Us* (Temple University Press, 2011.) From the opening chapter:

From bad relationships to terrorist attacks, the concept of closure enters the cultural debate about how to respond when traumatic things happen. Schoolchildren are told to find closure after a shooting. A nation seeks closure after 9/11. Mourn-



ers search for closure after a funeral, and family members want it following a homicide. Families of missing persons search for closure, as do Katrina survivors and other victims of natural disasters...

But what is closure? There is no agreed-upon answer. Closure has been described as justice, peace, healing, acceptance, forgiveness, moving on, resolution, answered questions, or revenge . . . People try to find closure by planting trees, acquiring memorial tattoos, forgiving murderers, watching killers die, talking to offenders, writing letters, burning letters, burning wedding dresses, burying wedding rings, casting spells, taking trips to Hawaii, buying expensive pet urns, committing suicide, talking to dead people, reviewing autopsies, and planning funerals.

I haven't read the book yet but the first chapter—available free at nancyberns.com—has whet my appetite. Did you read *Closure*? Let us know what you think at **fca@funerals.org.** 

for protection is different than others in the marketplace. My attendance and testimony at the hearing provided that reminder. They needed to see and hear from an actual funeral consumer with an experience that called attention to the fact that funeral services are not purchases that can be postponed and that buyers are often not in a state of mind to critically evaluate their options.

My testimony was precisely that unfortunate experience. Five weeks after his "life-saving" surgery, my husband died. My last weeks with him were consumed by medical decisions and home hospice care-giving. I was 49 years old and had never been directly involved with anyone's hospitalization much less end of life care. And I had never faced making final arrangements. I was the consumer who should not be forgotten in this world of pre-planning and pre-funded funeral services.

So, when the Funeral Consumers

Alliance of Oregon asked me, as an active member, to represent this issue at the Legislature, I knew the only answer was "yes". I also knew that having some history about the Oregon Mortuary and Cemetery Board and the Oregon Funeral Directors Association was necessary. With just days to prepare for the hearing, I was in contact with FCA's Josh Slocum who immediately responded with background material as well as FCA's position on regulatory boards and their composition. FCA's support gave me the confidence to walk into that hearing room knowing that I was not really alone just the only one to speak out in person.

Postscript: SB 1502 did not pass out of Committee by the Oregon Legislature's 2012 Session deadline and is considered "dead". Another victory for funeral consumer rights!



#### **Applied Advocacy—Helping Families Help Themselves**

We've written before about how to help people who call your funeral consumer group looking for money to pay for a funeral (see **funerals.org/web-links/83-payingfunerals** for a refresher). The bottom-line advice? Help people to help themselves. Show them how to take control of funeral costs by making decisions instead of having the funeral home decide what a "proper" funeral is.

Community activists in Maine are taking it a step further. Woodworker Chuck Lakin, who, along with Klara Tamany and Eva Thompson, runs **lastthings.net**, a support and resource site for people looking for help on do-it-yourself funerals. He proposed a project to the FCA of Maine to meet the needs of citizens who call the group looking for money for final expenses. The group initially thought of buying cardboard cremation containers to keep on hand while also training volunteers on how to fill out and file paperwork (death certificates, transit permits, etc.) for families. They invited Lisa Carlson of Funeral Ethics Organization (funeralethics.org) and me to join the conversation. We suggested scaling back: filling out death-related paperwork is well within the ability of the family themselves and sending volunteers to carry it back and forth didn't seem a good use of time.

FCA of Maine and the folks at Last Things are creative thinkers—these are the people that launched the state's first green burial ground after all—and they quickly came up with a better plan.

- Get blank copies of the state's death-related paperwork and have volunteers who can answer questions that come up for families
- Canvas Maine's crematories for prices and to see which ones will accept a body directly from the family without a funeral director
- Encourage churches and hospices to keep cardboard cremation containers on hand for families who go the DIY route
  - Put all this information online

I can't think of a more practical, frugal, and kind way to give real material support to families struggling with funeral costs. Your FCA group can do this too!

#### Here's what you'll need:

• A copy of *Final Rights: Reclaiming the American Way of Death.* The book has everything





Chuck Lakin makes coffins that do double-duty. Here's one as an entertainment center and as a burial box. Remember, it's not a coffin until it has a corpse!

you need to know about funeral consumer rights.

- Free state-specific pamphlets detailing the rights of funeral consumers for both those buying funeral services and those doing it themselves. The information is taken from Final Rights and the pamphlets are generously offered by Funeral Ethics Organization. Get them here: funeralethics.org/rights
- A survey of the crematories in your area that will accept a body directly from a family provided the correct paperwork is supplied
- Alternatively, a survey of funeral directors who will help a home funeral family and deal with the crematory for a modest cost
- An up-to-date website that makes this information easy to find

Do you have any ideas we can add to our list? Let us know at **fca@funerals.org**.

## AVOID RIP-OFFS & R.I.P. www.FUNERALS.org

See that? It's a stylish bumper sticker in a very attractive shade of green (you'll have to trust us!). Thanks to FCA national board member Rodger Ericson's generosity, we have a small supply available for a donation. We suggest at least \$3 each, but we'll take more if you're so inclined. You never know; you might be doing the motorist behind you the biggest favor he didn't even know he needed.

Add an extra \$3 to the donation amount of your choice in the enclosed remittance envelope, and please leave us a with a note requesting a sticker. Thank you!

#### Preparing for the End of Cyber-Life

-Holly Shreve Gilbert. Adapted from the Funeral Consumers Information Society of Michigan's excellent e-newsletter.

I have a photo of my grandson, Luc, intently tapping away at the keys of a vintage red Royal typewriter is one of my favorites. Iconic in a way, it visually exemplifies elements of my life that I treasure — journalism, writing, history and, most importantly, family. It's also a revealing snapshot of my husband's office, a place where he spends many happy hours preparing for the journalism classes he takes such pleasure in teaching. In sum, there's a lot of sentiment bundled in this package of pixels.

And yet, I've never had it printed.
I've emailed it, posted it to
Facebook and uploaded it to my Flickr
account. It's also catalogued in my
Adobe Bridge photo browser and
stored on my hard drive.

It has, in essence, become one of the tens of thousands of pieces of my digital property. And, unlike my material belongings, I have made no arrangements for the disbursement, deletion or management of these belongings upon my death. So, if I get hit by a bus today, my husband wouldn't know how to find logins or passwords for my online banking bill payment accounts or my photo archives. He wouldn't know the first thing about accessing our checking and savings records or my retirement plans. He would also be clueless about the domain names I own and the WordPress blogs I run.

And I'd be in an eternal doghouse. Hard truth: While digital assets can really enhance life, they totally make dying more complicated. We're seriously wired. According to the latest data from the Pew Research Center, 80 percent of men and 79 percent of women in the U.S. use the Internet on a regular basis. Those users come from every conceivable demographic, and, get this, the number of senior citizens who are googling, Facebooking, and otherwise engaging in online activity is soaring. This year, for the first time ever, more than half of all seniors have an Internet presence.

Our engagement in cyberspace isn't merely as observers. Many of us are also accumulating online property such as photos and websites and using cloud services to pay bills and manage our finances.

Just as you appoint a family member or friend as executor of your will, you need to put someone in charge of managing your digital legacy. Obviously, you'll want to leave these e-belongings in the care of someone who understands the Internet. My children and my husband are pretty tech savvy,

so I'm going to entrust these directives to them.

#### **DIY digital-asset management**

In the book "Your Digital Afterlife," authors Evan Carroll and John Romano offer three simple pieces of advice for managing your digital estate on your own: inventory, appoint and stay organized.

Preparing an inventory of your accounts, your logins and your passwords is critical and probably the most tedious task in this concise list. Carroll and Romano caution against putting this information in your will since this document essentially becomes public record upon your death.

Appointing an executor is a matter of personal preference, but you'll want someone you trust to be in charge. Make sure you leave them with specific directives about your social media presence as you don't want your Facebook page suggesting friends for you posthumously.

Finally, it's crucial to stay organized. Keep your inventory updated. If you delete or deactivate accounts, make a note to avoid sending your survivors on a wild goose chase (or the cyberspace equivalent)...

—The rest of the article can be found at: **funeralinformationsociety.org.** Click on "newsletters." Every issue they publish is worth reading!

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. . . and more



#### Summer 2012 Newsletter

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#### SAVE THE DATE!

Our next national conference will take place in June, 2014. Stay tuned for location details at:

funerals.org/conference

What topics do you want to hear about? What workshops would draw you in? Let us know at:

fca@funerals.org

Funeral Consumers Alliance is the only national, nonprofit, nonsectarian, 501(c)(3) organization solely dedicated to protecting the public's right to choose meaningful, dignified, and affordable funerals.

Since our beginning in 1963, we have served as a source of information and advocacy to grieving families, lawmakers, the media, and the funeral business. We offer accurate, authoritative advice on all matters relating to funerals, cremations, burials, and other after-death arrangements. We support legal reforms to better protect the public against abusive practices, and we serve as a clearinghouse for consumer complaints of illegal or unethical treatment. We also give educational materials and advice to our more than 100 volunteerrun consumer information groups around the country.

With our help, thousands of families are better educated about their rights under federal, state, and local laws. FCA has helped people save hundreds of thousands of dollars in unnecessary funeral costs by showing families how to make informed decisions in a time of crisis.

FCA is not funded by any government agency. We do not have any corporate or funeral industry sponsors. For more information, write:

Funeral Consumers Alliance 33 Patchen Road South Burlington, VT 05403 www.funerals.org