



# Interment Reporter

Fall - Winter 2016-2017



## CMAC 2017 ANNUAL CONFERENCE

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### PROGRAM HIGHLIGHTS

#### **New Developments at the Federal Trade Commission**

Craig Tregillus, Division of Marketing Practices, Federal Trade Commission

#### **Cemetery and Funeral Bureau Update**

Lisa Moore, Chief, Cemetery and Funeral Bureau [Invited]

#### **Unitrusts: Advanced Perpetual Care Financial Strategies**

Bill Williams, President/CEO, Funeral Services Inc.

Wendy Russell Wiener, Partner, Broad and Cassel

#### **Are You Ready? [Today's consumer and the continuing increase in cremation has caused us to look at doing business differently than we ever have before]**

John Bolton, President, Blackstone Cemetery Development

Lori Salberg, Vice President of US Sales, Plotbox

#### **Ecological Disposition Alternative to Burial and Cremation**

Patrick McCann, Co-founder, EcoLegacy

#### **California Government Relations Update**

Jerry Desmond, Executive Vice President, CMAC



**CEMETERY AND  
MORTUARY  
ASSOCIATION OF  
CALIFORNIA**

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# CMAC Southern Holiday Luncheon

## Tam O'Shanter Restaurant

Thursday, December 1, 2016

### Thanks to our Sponsors:

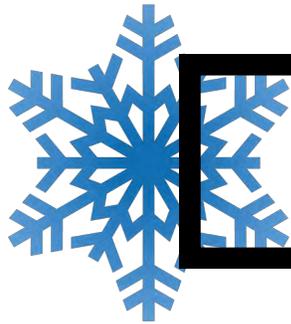
#### Platinum Level

Forest Lawn Memorial – Parks & Mortuaries  
Inglewood Park Cemetery

#### Bronze Level

Hillside Memorial Park  
McCleskey Mausoleums  
Saasfort LLC Tombfinder





# CMAC Northern Holiday Dinner

## Sixteen Mile House

Wednesday, December 7, 2016

Thanks to our Sponsors:

**Platinum Level**

Commerce Holding Company  
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**Gold Level**

Cypress Lawn Memorial Park

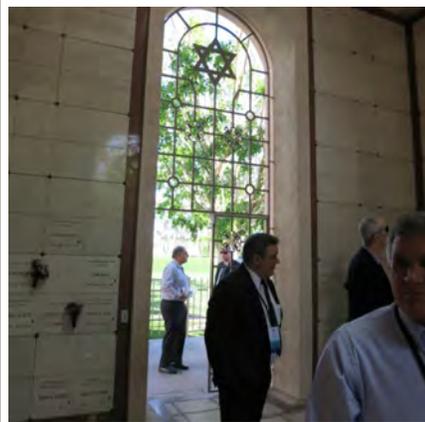
**Silver Level**

Alta Mesa Cemetery and Funeral Home

**Bronze Level**

Coldspring  
McCleskey Mausoleums







Left to Right: CMAC Presidents — Scott Atherton [2003 & 2013], Larry Davis [2002], Steve Doukas [2001], Steve Schacht [2004], Darin Drabing [2015], Michael Wesner [2016], George Estes [1999 & 2011], Randy Thwing [2000] and John Resich, Esq. [2006].





## Q&A With CMAC President Michael Wesner

CMAC 2016-2017 President  
Director of Cemeteries at Diocese of Orange

### How were you initially attracted to the industry?

Through my father who had a long and distinguished career working on behalf of the Diocese of Pittsburgh, Pennsylvania as a real estate broker in the 1950s and 60s. He successfully negotiated and arranged the acquisition of numerous separate properties for cemetery purposes.

### How did you get into the industry?

As a sixteen year old I began two summers of work with the cemetery survey crews at the Diocese of Pittsburgh, mapping out the projects. I then proceeded to work on property landscaping maintenance during the summers through high school and college. It all began with mowing and edging!



### What has been your career path in the industry?

When I graduated from college in 1981, I obtained a position in the Diocese administrative and accounting office. I then moved to a four-year union position with double that pay of the administrative position, as assistant grounds foreman at a Diocese cemetery property with over 350 acres and 50 employees.

After making contact with the Los Angeles Archdiocese at an annual Catholic Cemetery conference, I accepted an offer to work at the San Fernando Mission. Fortunately, my fiancé [now my spouse] agreed that we would start our new life together in southern California with this opportunity for me and the initiation of her nursing career at UCLA as well. We moved to the Brentwood section of Los Angeles in 1986.

In 1995, I was promoted to Director of Operations for the Catholic cemeteries of the Archdiocese of Los Angeles. In this position for the next five years, I oversaw and managed the operations of the grounds of twelve diocesan cemeteries located from Santa Barbara to Lancaster to Long Beach.

Then, in 2001, I had the good fortune of being named Director of Cemeteries for the Diocese of Orange County. We moved to Orange County in 2013, and I have been very appreciative of the much-shortened daily commute to the office.

### What are some of your interests outside of the cemetery industry?

I am an avid tennis player, competing in two or three singles or doubles matches each week. My passion for the game began when I was 12 years old and continued through high school. It was in my thirties that I really





got serious and won two club tournaments and represented Ventura County at USTA Sectional Championships.

Another passion is auto sports. Several years ago, I purchased a white 2007 Porsche C4S. It is a unique car in that it has a factory-installed GT3 aero kit that really makes it stand out. Now I participate each month in the Orange County Porsche Club with many owners of new as well as religiously-restored 911s from the 50s, 60s and 70s who convene at Original Mike's restaurant in Santa Ana.

### **What do you see as the key challenges and opportunities for the cemetery industry in California?**

The increasing popularity of cremation and alternatives to traditional burials continues to present challenges as well as opportunities. The millennial generation holds less traditional views towards end-of-life celebration and memorialization, with new ideas and views that embrace ecological alternatives such as scattering of remains as well as new technologies including as alkaline hydrolysis. This is accelerating and it will suit us well to act proactively and transition from reactionary positions where trends are missed or have to be chased.

We are planning today for the upcoming expansion of Cathedral Memorial Gardens. We will be doubling the size of our ecumenical cemetery to two acres. As envisioned and designed to have 3,700 cremation spaces, 1,000 ground burials, and 900 garden crypts, the new area will enable us to serve many more of the members of our community and their desires for memorialization.

### **Haven't you been involved recently in the Mission Cemetery at San Juan Capistrano?**

Yes, and it has been quite a fulfilling effort by the Diocese of Orange with great respect for the Juaneño-Acjachemen Band of Mission Indians whose tribal members built the mission so many generations ago. We have cleaned up the cemetery property, and have restored and reset the tombstones and monuments that are so important to our shared heritage.

Working together with the tribal leaders and local community, we are ensuring the long-term value of this three-acre cemetery for future generations. Many in the community are already engaged. Catholic masses held in the cemetery are quite popular. The local Boy Scout troop awards merit badges to the scouts who work so hard to improve and maintain the property. The Scouts have gone even further and have constructed a fine tribute to the local veterans of foreign wars.

### **Finally, aren't you and your wife the proud parents of two daughters?**

Indeed, we are "empty-nesters" with our two daughters Gretchen and Erin having both graduated out of the respected Mater Dei High School as well as college.

Our eldest, Gretchen is merchandise manager at PETCO's San Diego headquarters and corporate offices. Erin is a graduate of UC Santa Barbara with a degree in biology and is a medical assistant at Newport Beach Dermatology.





## STANDARD OPERATING PROCEDURES -- WHY THEY ARE CRITICAL TO YOUR DEATH CARE BUSINESS

**John A. Mason, Esq., Gurnee Mason & Forestiere LLP**



It may seem obvious and simply a matter of common sense, but creating and implementing written policies and procedures for your death care business can be a highly effective way to avoid the cost, time and stress of litigation. Whether you run a single funeral home, crematory or cemetery, or operate a business with multiple locations, standard operator procedures (“SOPs”) help to ensure that employees who perform regular tasks do so in a uniform and consistent manner that complies with the company’s policies and procedures.

In a nutshell, SOPs are written documents (often contained in a manual) that provide detailed instructions on specific recurring work processes. In the field of death care, SOPs can address many operational aspects including (among many others) first calls, identification of decedents, processing of death certificates and disposition permits, and contract preparation. They identify who in the organization will perform each task, where it will occur, what materials and tools may be necessary, and precisely how the task will be accomplished. If prepared correctly, SOPs enable employees to more easily and efficiently do their jobs while at the same time ensuring that critical company policies, and often legal requirements, will be followed each time the task is performed. SOPs also serve as an important training tool for the company, as well as an effective means by which to generate job descriptions, evaluate employees, compare their performance to others, and identify areas where additional training or retraining may be necessary.

Preparing SOPs may seem to be a daunting task. However, you can make it more manageable by starting with job functions which, if not performed correctly each and every time, will be potentially most detrimental to your operation, and then work your way down the list to those of lower priority. Based on my experience defending numerous professional liability claims against mortuaries, crematories and cemeteries, many of them arise from identification errors. If your operation does not have SOPs in place that describe in detail the process of ensuring the positive identification of decedents at all stages of the death care services you offer, I strongly recommend that you start with these.

Keep in mind that in many cases there is no need to “reinvent the wheel” when it comes to creating SOPs for your business. Well-respected Industry organizations such as the Cemetery and Mortuary Association of California (“CMAC”), Cremation Association of North America (“CANA”), and the International Cemetery, Cremation and Funeral Association (“ICCF”) offer excellent certification and training programs as well as other resources to its members which can assist you with this process. Another excellent source of information for creating such procedures is your own employees who have been handling the day-to-day operations that need to be standardized. Have each proposed SOP reviewed by as many employees as possible who work with that particular procedure. You will find that employees are far more likely to accept and follow an SOP on which they have had the opportunity to provide input and feedback. Qualified legal counsel can also be of assistance in ensuring that the practices outlined in your SOPs comply with applicable laws and regulations.

- continued





Finally, it is important to keep in mind that creating and implementing SOPs is just the beginning. Every SOP should be reviewed at least every one to two years to ensure that it still reflects the best practices in the industry and, where applicable, remains in compliance with federal and state law. If not, it should be revised and improved accordingly.

*(John A. Mason is a Partner in the law firm of Gurnee Mason & Forestiere LLP, 2240 Douglas Blvd, Suite 150, Roseville, CA 95661, (916) 797-3100, [john@gurneelaw.com](mailto:john@gurneelaw.com). Please note that this column is necessarily brief and does not purport to be a complete explanation of the law discussed. The information presented is not intended to be, and should not be taken as, legal advice. For advice concerning your particular situation, you should consult an attorney knowledgeable of the law in your area.)*



## Please Contribute to our CMAC PAC

Please help our Association's efforts by making a contribution today to our political action committee [PAC]. Your support will enhance our efforts to develop and maintain effective relationships with elected officials whose decisions directly impact our interests.

Companies and individuals are able to contribute funds to this state PAC. The PAC makes contributions to the campaigns of candidates for statewide office and our state legislature. The PAC is a general purpose recipient committee sponsored by our association.

### How Much to Contribute

Companies and individuals are encouraged to contribute an amount that they believe is appropriate. We note:

- The contribution required for one person to attend a fundraiser in Sacramento for one elected official is typically between \$1,500 and \$3,000. There are 120 members of the State Legislature.
- The average cost of a campaign is \$1.1 million for the state Senate, and \$837,000 for the state Assembly, according to MapLight.org.

The maximum amount that a company or individual can contribute to the CMAC PAC in a calendar year is \$7,000. For purposes of this maximum, a company and an individual owner are considered one entity — for example, a cemetery and its owners are one entity.

### How to Contribute

Contribution checks should be made payable to "Cemetery and Mortuary Association of California PAC", and note the PAC identification number: 921488. The check can be mailed to the association office for deposit:

Cemetery and Mortuary Association of California PAC, 925 L Street, Suite 260, Sacramento, CA 95814

### Contact for Questions

Jerry Desmond, CMAC Executive Vice President, 916.441.4166, [cmac@usa.net](mailto:cmac@usa.net)

Paid for by:

Cemetery and Mortuary Association of California PAC, 925 L Street, Suite 260, Sacramento, CA 95814





# SICK LEAVE UPDATE

**Jesse Marr, Esq., Musick, Peeler & Garrett LLP**



As many of you know, in 2015 the California legislature amended the California Paid Sick Leave Law in an attempt to clarify how employers should calculate the rate of pay for their employees' sick time.

Under the amended law, for non-exempt employees, the employer could (1) calculate the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek; OR (2) divide the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment. For exempt employees, the amended law required employers to calculate sick leave wages in the same manner they calculated wages for other forms of paid leave time.

Despite this amendment, many of you were still unsure how to treat your sales counselors who work on commission and are otherwise exempt under the inside or outside sales exemption.

In its new opinion letter issued in October 2016, the Department of Industrial Relations' Division of Labor Standards Enforcement (DLSE) writes only those employees who fit one of the white collar exemptions (professional, executive, or administrative exemptions) may be paid sick time as an "exempt employee". The DLSE opines employees classified exempt under the outside or inside sales exemptions are **not** exempt for purposes of the Amendment's calculation of the rate of pay for sick leave. Therefore, employers should calculate paid sick leave payments for employees "who are almost entirely paid by commissions" as though they are non-exempt employees.

So for those of you who pay your family counselors commission, you must choose one of the options available for non-exempt employees when paying their sick time: pay the regular rate of pay for the workweek in which the employee uses paid sick time OR divide the total wages, not including overtime premium pay, by the total hours worked in the full pay periods of the prior 90 days of employment.

While the DLSE's letter is not law, it certainly signals how disputes over sick pay will be viewed in the future. It is a good idea to review your sick pay policy and ensure it is compliant.

*Jesse D. Marr is a Partner with Musick, Peeler & Garrett LLP, One Wilshire Boulevard, Suite 2000, Los Angeles, CA 90017. j.marr@mpglaw.com. www.musickpeeler.com. T: 213.629.7815*



## NEED TO REPLENISH YOUR SUPPLY OF CONSUMER GUIDES?

—AVAILABLE FOR PURCHASE

CMAC has copies of the updated Guide attractively designed for use by cemeteries and mortuaries as required by law.

Contact the CMAC office at 916.441.4533, or by email: [cmac@usa.net](mailto:cmac@usa.net)





**PIEDMONT FUNERAL SERVICES**

**MOUNTAIN VIEW CEMETERY**

**2016 Northern Visitation**

**September 22**

**HOST**

**Piedmont Funeral Services and Mountain View Cemetery**

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Forest Lawn Memorial – Parks & Mortuaries**

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**Alta Mesa Cemetery and Funeral Home  
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**BRONZE SPONSOR**

**Coldspring**





# Southern Visitation

Thursday, September 1

## Hillside Memorial Park & Mortuary

**Host**  
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& MORTUARIES

INGLEWOOD PARK CEMETERY

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## Cemeterians Encouraged to Respond to the Cemetery and Funeral Bureau by January 2

CMAC is encouraging our cemetery members to respond to the Cemetery and Funeral Bureau's request for information as soon as possible - and prior to the January 2, 2017 deadline.

The Cemetery and Funeral Bureau distributed individually-addressed letters to cemetery licensees requesting information that is necessary for the Bureau to complete an endowment care fund sufficiency study as required by state law.

All letters were sent on or about October 24, 2016 with a due date of January 2, 2017. The Bureau informs us that all licensed endowment-care cemeteries (or one of their representatives) were sent one of these letters.

As stated in the Bureau letter, cemeteries with questions are encouraged to contact David Edwards, Supervising Auditor with the Bureau, at 916.574.7884. Please also do not hesitate to contact CMAC Executive Vice President Jerry Desmond at the CMAC office, 916.441.4533, [cmac@usa.net](mailto:cmac@usa.net).

For those members desiring a reference, we have samples of the three forms of letters the Bureau sent to cemeteries available at the CMAC office.

### Background

As CMAC members will recall, AB 180 (Bonilla, Chapter 395, Statutes of 2015) became effective January 1, 2016 and requires the Cemetery and Funeral Bureau to conduct a study to obtain information to determine if the endowment care fund levels of each licensee's cemetery are sufficient to cover the cost of future maintenance.

Furthermore, the Bureau is required to report its findings and recommendations to the Legislature by January 1, 2018 [Business and Professions Code Section 7612.11].

To conduct the study, the Bureau requires the specific information about each cemetery property as set forth in the letter.





## CMAC Government Affairs Update

**Jerry Desmond, CMAC Executive Vice President**

### California Politics in 2017 – A Preview

The November 8 presidential election confirmed California's status as a bastion of the Democratic party, with elected officeholders in the US Senate, Congress, statewide office as well as Senate and Assembly positioned and preparing to defend key policy issues in anticipation of the threats posed by the Republican party victories at the national level.

Republicans won the Presidency, together with control of the US Senate and House of Representatives. However, in California the Democrats sufficiently enhanced their power position by picking up sufficient seats to have two-thirds of the members in the state Senate and Assembly. This is in addition to the party holding each of the seven statewide offices of Governor, Lieutenant Governor, Attorney General, Treasurer, Controller, Insurance Commissioner and Superintendent of Public Instruction.

If Democrats in the state legislature vote as a block, they have the necessary votes to take several actions without any Republican votes including the passage of urgency measures which take effect immediately upon enactment, as well as the passage of new taxes. The ability to do so will be tested by the presence of a number of business-minded Democratic legislators in each house.

With the inception of the two-year, 2017-2018 legislative session on December 5, the Democratic leadership quickly established its intention to "firewall" the state and to fight for critical progressive issues starting with the protection of immigrants. Other issues include environmental stewardship and the fight against climate change, the provision of healthcare to the poor and expansion of access as the federal Affordable Care Act faces possible elimination, the enhancement of worker's rights including the enacted phase-in of a \$15 per hour minimum wage, as well as maintenance of the K-12 public education system.

Beginning the new year, key upcoming dates include: the January 4 return of the Legislature from the holiday break; the January 10 announcement of the Governor's proposed budget for the next fiscal year; and the February 17 deadline for the introduction of new pieces of legislation, which will result in the promulgation of approximately 2,500 measures.

### California Legislative Update

The CMAC legislative committee has been quite active this year on several measures that were considered in the State Legislature. With the conclusion of the two-year, 2015-2016 legislative session, the final outcomes have been determined.

### Limited Life Insurance Agent Licensure Examinations - in Spanish

AB 1899 [Calderon], Chapter 560, Statutes of 2016

CMAC worked together with the insurance industry and advocated in support of this measure that amends Insurance Code Section 1677 to require the Department of Insurance (DOI) beginning January 1, 2018 to provide the license examinations for life, life-only, and accident and health agents in Spanish as well as English.





Limited life-only licensees may only transact specific life insurance policies or annuities that pay benefits in an amount of no more than \$20,000 and are designated for the payment of funeral and burial expenses.

State law prior to the enactment of AB 1899 did not require an examination for a license as a life-agent, life-only agent, or accident and health insurance agent to be provided in Spanish. Because a plurality of Californians are Latino, with a significant portion of this population speaking only Spanish, offering the opportunity for Spanish speakers to take the licensing exam will increase the number of agents able to serve Spanish speaking consumers. The measure will enable the state to have agents who are better able to serve these communities. Spanish speakers serving these communities will help prevent miscommunication and potential fraud during the sales process.

## GAAP Adherence in Annual ECF & SCF Reports



SB 1479 [Senate B&P], Chapter 634, Statutes of 2016

This measure was enacted into law to amend Business and Professions Code Section 1762.6 in the Cemetery and Funeral Act that requires each cemetery authority to annually file with the Cemetery and Funeral Bureau a specified written report that includes information relating to the general and special endowment care funds.

The law requires the report to be accompanied by an annual audit report of those funds and specifies the scope of the audit. As amended by SB 1479, the section now requires that audit to be prepared in accordance with generally accepted accounting principles.

## Certified Death Record Security Features

AB 1546 [Olsen], Chapter 255, Statutes of 2016

This legislation has been enacted into law and amends Health and Safety Code Section 103526 to permit the state Department of Public Health (DPH) to suspend the use of security features of a certified copy of a birth, death, or marriage record through all-county letters, or similar instructions. The bill also requires the State Registrar to study all security features of paper used to print vital records and requires a report to be submitted to the Legislature on or before January 1, 2018.

According to the author and sponsors of the measure, as well as the legislative committee analyses, AB 1546 was intended to address issues that recently arose with the security feature requirements. State law required vital records to be printed on chemically sensitized security paper containing nine specific security features. In June of 2015 the one company in the U.S. that manufactured paper which met the security requirement for vital records, intaglio printing, shut down operations. The necessary paper was not available for a period of time until new businesses commenced operation. While the shortage was mitigated, the California State Association of Counties and the County Records Association of California continued to have concerns that reliance on a very small number of companies for the state's security paper could pose a serious risk.

## Happy Homestead Cemetery District – Interment of Nonresidents

AB 1658 [Bigelow], Chapter 242, Statutes of 2016

This CMAC-opposed measure has been enacted into law to add Section 9063.3 to the Health and Safety Code to authorize the Happy Homestead Cemetery District in the City of South Lake Tahoe in the County of El Dorado to use its cemeteries to inter residents of specified Nevada communities if specified conditions are met.

The bill allows the District to inter nonresidents who are residents of the Nevada communities of Glenbrook, Cave Rock,





Skyland, Zephyr Cove, Round Hill, Elk Point, Kingsbury, and Stateline, if all of the following conditions apply:

1. The board of trustees determines that the District's cemetery has adequate space for the foreseeable future.
2. The District has an endowment care fund that requires a contribution for every interment of at least the minimum amount set pursuant to existing law.
3. The District requires the payment of a non-resident fee set pursuant to existing law.

It is the position of CMAC that existing Health and Safety Code Section 9060 appropriately states that a cemetery district shall limit interments to the following:

- a) Persons who are residents of the district;
- b) Persons who are former residents of the district and who acquired interment rights while they were residents of the district;
- c) Persons who pay property taxes on property located in the district;
- d) Persons who formerly paid property taxes on property located in the district and who acquired interment rights while they paid those property taxes;
- e) Eligible nonresidents of the district, as provided in the Health and Safety Code; or,
- f) Persons who are family members of any person described in this section.

There is a sound public policy rationale for this law and the statutory restrictions. Cemetery districts, as entities of municipal government are intended to serve their residents. The law therefore sets forth specific connections where interments are appropriate.

The expansion of the law to include non-residents, as contained in AB 1658, creates an opportunity and incentive for municipalities to engage in business practices that compete with the private sector.

A private cemetery industry exists in California, with businesses located throughout the state presenting cemetery and funeral-related services. The industry is competitive, and it is regulated by the state Department of Consumer Affairs.

As an alternative to significantly revising the sound public policy in support of cemetery districts interring non-residents, counties experiencing financial difficulty due to the increasing cremation rates and declines in casket burials are encouraged to address those issues by adjusting their services to appropriately serve the needs of their residents.

There is no clear demonstration that our state's citizens suffer from the lack of available services that warrants the further expansion of authorization for cemetery districts to inter non-residents.

### Conservator Right to Control Disposition



SB 1284 [Hernandez], Chapter 39, Statutes of 2016

CMAC supported this bill that has been enacted into law and amends Health and Safety Code Section 7105 to allow a conservator of the person and a conservator of the estate to control the disposition of a decedent's remains when a decedent's specified next of kin fails to act on interment arrangements, or cannot be found. The provisions of the bill:



Add the conservator of the person and the conservator of the estate to the list of persons who have the right to control



and the duty of disposition of the decedent's remains if the decedent's next of kin fails to make interment arrangements or cannot be found.

Provide that when multiple conservators share the duty to control the disposition of a decedent's remains and disagree over interment arrangements, a conservator may petition the court for an order to determine who among the multiple conservators has control over the disposition of the decedent's remains.

## Public Cemetery Law Revisions

SB 1179 [Vidak], Chapter 592, Statutes of 2016

This measure has been enacted into law to amend Health and Safety Code Section 9002, and to add a new Chapter 5.5 (commencing with Section 9069.10) to Part 4 of Division 8 to the Health and Safety Code.

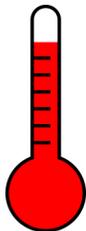
The provisions are intended to resolve the situation in the law that provided no direction to public cemeteries when it comes to the use of interment rights purchased by someone who has already passed away without designating a successor.

The bill addresses this by:

- Establishing in the Public Cemetery Law an interment right as a transferable property interest;
- Requiring the interment right owner to designate a successor; and
- Establishing a procedure for the succession of an interment right in public cemetery districts, in the event a successor owner has not been otherwise named.

This bill also makes a number of other revisions to the Public Cemetery Law:

- Providing immunity from liability to a district or district employee or trustee for claims, losses, or damages resulting from transferring an interment right, as specified;
- Providing the circumstances and process under which human remains may be disinterred, reinterred, or removed from a public cemetery district after interment; and
- Specifying the records required to be maintained by the public cemetery district and the person removing and relocating the human remains.



## DOSH Indoor Heat Illness & Injury Prevention

SB 1167 [Leyva], Chapter 839, Statutes of 2016

This bill amends Labor Code Section 6720 to require the state Division of Occupational Safety and Health (DOSH) to propose to the Occupational Safety and Health Standards Board for review and adoption, a standard that minimizes heat-related illness and injury among workers working in indoor places of employment by January 1, 2019.

The measure requires the standard to be based on environmental temperatures, work activity levels, and other factors. In developing the standard, DOSH is required to take into consideration heat stress and heat strain guidelines in the 2016 Threshold Limit Values and Biological Exposure Indices developed by the American Conference of Governmental Industrial Hygienists.

The new provisions of law do not prohibit DOSH from proposing, or the Standards Board from adopting, a standard that limits the application of high heat provisions to certain industry sectors.





## Welcome New Members

### Chico Cemetery Association

#### Chico Cemetery Association

Warren Brusie, President  
Marc Brusie, Vice President  
Amy Brusie, Secretary  
Janice Brusie, Main Contact Person  
Claudia Bartlett / Pat Lehane, Manager / Superintendent  
881 Mangrove Avenue  
Chico, CA 95926  
(530) 345-7243  
F: (530) 345-5807  
[chicocem@att.net](mailto:chicocem@att.net)



Chico Cemetery was established in 1852 and is the oldest cemetery in the city of Chico. The nonprofit cemetery has 40 developed acres with lawn burials, lawn crypts upright monuments, a garden mausoleum and a crematory.

### Musick, Peeler & Garrett LLP

#### Musick, Peeler & Garrett LLP

Jesse D. Marr, Partner  
One Wilshire Boulevard, Suite 2000  
Los Angeles, CA 90017  
213.629.7815  
F: (213) 624.1376  
[j.marr@mpglaw.com](mailto:j.marr@mpglaw.com)  
[www.musickpeeler.com](http://www.musickpeeler.com)

Musick, Peeler & Garrett Partner, Jesse Marr has represented CMAC members throughout his career in class actions, employment disputes, and premises liability matters. Members frequently often call upon Mr. Marr to provide general counsel on a wide range of issues from contract disputes to regulatory compliance.

Mr. Marr has served as a featured presenter at several CMAC events and contributes articles to the Interment Reporter. In addition, Mr. Marr holds an "AV"® rating from Martindale-Hubbell for technical skill and is an elected member of the prestigious American Board of Trial Advocates (ABOTA).

With six offices in major commercial centers throughout the state, Musick Peeler attorneys know California. Founded in 1954, Musick Peeler has kept pace with California's growth and with more than 100 attorneys, has the resources and expertise to offer the highest quality representation in a wide variety of legal matters.





## Welcome New Members

### Pontem Software

#### Pontem Software

Karina Kimpell  
 215 Dexter  
 Eaton Rapids, MI 48827  
 (888) 742-2378  
 F: (517) 663-2166  
[sales@pontem.com](mailto:sales@pontem.com)  
[www.pontem.com](http://www.pontem.com)



Pontem Software Team

Are you seeking solid technology advice amongst a sea of options and industry newcomers? Pontem Software has been serving the technology needs of cemetery managers for more than 30 years. With Pontem you'll find mature products with depth of functionality and reporting that is only achieved with years of industry experience.

Pontem's core products include best-in-class data management, integrated GIS mapping, and services such as 'Cloud' hosting and public Online Burial Search. Pontem's industry partnerships allow customers to build on a solid foundation by adding innovative new products such as Mobile Apps, 360o Imagery, contracts and accounting and cutting edge sales tools.

### RBC Wealth Management

#### SB Wealth Strategies RBC Wealth Management

9665 Wilshire Blvd., 3rd Floor  
 Beverly Hills, CA 90212  
 (310) 273-7600  
 F: (310) 859-0408  
 Pat Severo, Managing Director - Financial Advisor  
[Pat.severo@rbc.com](mailto:Pat.severo@rbc.com)  
 Jeff Goldstein, Financial Advisor  
[Jeff.goldstein@rbc.com](mailto:Jeff.goldstein@rbc.com)

SB Wealth Strategies (SBWS), an RBC Wealth Management practice, has been providing independent, non-proprietary investment consulting services to the death care industry for the past two decades.

Pat Severo, SBWS's principal founder, has been a financial advisor for more than thirty years and is actively involved in CMAC and ICCFA, through which he has frequently spoken on the topics of fiduciary best practices and investing endowed assets.

- continued





## Welcome New Members

Their team advises some of the largest cemeteries in California and they understand the operational and regulatory complexities involved in this unique industry. Through this rare combination of industry knowledge and investment experience, they help cemeteries and funeral homes construct, implement, and monitor investment strategies that meet their current and future objectives.

### Triple H Company

#### Triple H Company

James Hepburn  
1710 Donlon St., Unit 1  
Ventura, CA 93003  
(805) 650-6944  
F: (805) 650-6444  
[triplehcompany@att.net](mailto:triplehcompany@att.net)  
[www.triplehcompany.com](http://www.triplehcompany.com)



Triple H Company has been manufacturing and distributing cemetery, crematory, mausoleum and funeral products since 1950. Most of the Triple H Company manufactured products have been developed and proven in use on their properties.

The Triple H Company was founded by cemeterians, Robert E. Hepburn, David N. Hepburn and David W. Hepburn. Today, Robert, Helen and Jim Hepburn carry on the Triple H Company tradition of providing clients with industry quality products.

Triple H exclusive original products include Pyramid Cremains Burial Vaults, Golden-Line and Royal Duchess mausoleum vases, Trion Floral Lawn Vases and Utility Plastic Urns. Buying directly from the manufacturer ensures the best price for the highest quality.

### The Vatican has issued a new document on Christian burial and cremation

As described on Vatican Radio:

"The Vatican's Congregation for the Doctrine of the Faith on Tuesday published a new instruction on the burial of the dead and on the conservation of the ashes in cases of cremation. The instruction reiterates the long held view that the Church is not opposed to the practice of cremation, though it continues to recommend that the bodies of the deceased be buried in cemeteries or other sacred places. "However the new document insists that ashes should not be kept in private houses and that the scattering of ashes on land or at sea is not permitted."





## 2017 Music and Webcasting Licenses — now available through ICCFA

**\$265 per location** for a Music License by January 31st (\$278 after January 31st). You may add on a Webcasting License for \$48 per location.

Purchase the 2017 music and webcasting licenses online | <https://www.iccfa.com/music>

Any U.S. funeral home, cemetery, crematory or related business is eligible to join ICCFA as a Music License and/or Webcasting License Member.

Music licensing is the law, and failure to obtain a license where one is required can be costly. Copyright law provides for damages similar to fines of up to \$30,000 for each song that is infringed. If your company, regardless of size, hosts performances of copyrighted music—whether the music is performed live or played from recordings—music copyright owners say you are legally required to pay an annual licensing fee.

The ICCFA is offering 2017 music licensing with ASCAP, BMI and SESAC for \$265 per property if purchased by January 31st, 2017, and \$278 per property after January 31st, with no additional fees or membership requirements; and Webcasting Licenses for \$48 per property.

The music license rate is a direct pass-through of the combined annual fees from ASCAP, BMI and SESAC. Licensing directly with the agencies this year would cost nearly \$600 per location.

A webcasting license is a certificate that you may purchase **in addition to** a music license. It allows for broadcasting of services via the internet throughout the world. **You must have a music license before you purchase a webcasting license.**

**Open to any company in the cemetery and funeral service industry in the U.S.** Questions? Call ICCFA at 1.800.645.7700.

### **More Employment Law Changes that Take Effect on January 1, 2017**

**Minimum Wage Increase** —SB 3 was enacted into law to increase the minimum wage annually until it reaches \$15 an hour. Effective January 1, 2017, businesses with 26 or more employees are required to pay a minimum wage of \$10.50 per hour. The minimum wage increase also requires employers to post a new Minimum Wage Order.

**Itemized Wage Statements**—AB 2535 was enacted into law to clarify that employees who are exempt from the payment of minimum wage and overtime are not required to have their hours tracked and logged on an itemized wage statement [pay stub].

**Payroll Notifications** — AB 1847 has been enacted into law to require that employers who must notify employees of their eligibility for the federal Earned Income Tax Credit to also notify the employees that they may be eligible for the California Earned Income Tax Credit.





## Sign-up at [www.CMACcalifornia.org](http://www.CMACcalifornia.org) CMAC 2017 ANNUAL CONFERENCE

Join us—February 1 through 3, 2017

**MONTEREY PLAZA HOTEL & SPA**

400 Cannery Row, Monterey, CA 93940

(855) 421-0264

[www.montereyplazahotel.com](http://www.montereyplazahotel.com)



### MONTEREY BAY AQUARIUM VISIT

The CMAC Program Committee has made arrangements for conference attendees and guests to visit the award-winning Monterey Bay Aquarium on Thursday, February 2.

Shuttle bus transportation and admission ticket to the aquarium will be provided. Please see the registration form for fees and other information. Visit [www.CMACcalifornia.org](http://www.CMACcalifornia.org), or call 916.441.4533 for registration forms.



### Conference Highlights

#### **“New Developments at the Federal Trade Commission”**

Craig Tregillus, Division of Marketing Practices, Federal Trade Commission

#### **“Cemetery and Funeral Bureau Update”**

Lisa Moore, Chief, Cemetery and Funeral Bureau, [Invited]

#### **“Unitrusts: Advanced Perpetual Care Financial Strategies”**

Bill Williams, President/CEO, Funeral Services Inc. and Wendy Russell Wiener, Partner, Broad and Cassel

#### **“Are You Ready? [Today’s consumer and the continuing increase in cremation has caused us to look at doing business differently than we ever have before]”**

John Bolton, President, Blackstone Cemetery Development and Lori Salberg, Vice President of US Sales, Plot-box

#### **“Ecological Disposition Alternative to Burial and Cremation”**

Patrick McCann, Co-founder, EcoLegacy

#### **“California Government Relations Update”**

Jerry Desmond, Executive Vice President, CMAC



# CMAC 2017 ANNUAL CONFERENCE

## Schedule

### Wednesday, February 1

#### **7:30 am – 2:00 pm**

Jack West Memorial Golf Tournament  
Poppy Hills Golf Course  
3200 Lopez Road Pebble Beach, CA 93953

#### **1:00 pm – 5:30 pm**

Vendor/Supplier Exhibit Set-up – Cypress Ballroom

#### **1:00 pm – 7:30 pm**

Conference Registration – Cypress Ballroom Foyer

#### **4:00 pm – 5:00 pm**

CMAC Board of Directors Meeting – Monterey Bay Room  
[CMAC Board Members only]

#### **6:00 pm – 7:30 pm**

Opening Night Reception – Cypress Ballroom

### Thursday, February 2

#### **7:00 am – 6:00 pm**

Conference Registration – Cypress Ballroom Foyer

#### **7:30 am – 8:30 am**

Plated Breakfast – Cypress Ballroom  
Breakfast Speaker: Jerry Desmond, Executive Vice President,  
CMAC  
“California Government Relations Update”

#### **8:30 am – 8:50 am**

Annual Membership Meeting and President’s Welcome  
Cypress Ballroom

#### **9:00 am—10:00 am**

Guest and Spouse Breakfast  
Schooners Restaurant at the Monterey Plaza Hotel

#### **9:00 am – 9:45 am**

General Session Speakers: John Bolton, President, Blackstone  
Cemetery Development and Lori Salberg, Vice President of US  
Sales, Plotbox  
“Are You Ready? [Today’s consumer and the continuing increase in  
cremation has caused us to look at doing business differently than  
we ever have before]”  
Cypress Ballroom

#### **9:45 am – 10:15 am**

AM Break - Cypress Ballroom

#### **10:15 am – 11:00 am**

General Session Speaker: Patrick McCann, Co-founder, EcoLegacy  
“Ecological Disposition Alternative to Burial and Cremation”  
Cypress Ballroom

#### **11:00 am – 12:00 pm**

General Session Speaker: Craig Tregillus, Division of Marketing  
Practices, Federal Trade Commission  
“New Developments at the Federal Trade Commission”

#### **12:15 pm – 1:30 pm**

Plated luncheon – Monterey Bay Room  
Lunch speaker: Lisa Moore, Chief, Cemetery and Funeral Bureau  
[Invited]  
“Bureau Update”

#### **12:45 pm—1:30 pm**

Vendor Introductions During Lunch - Monterey Bay Room

#### **1:30 pm – 2:15 pm**

General Session Speaker: Bill Williams, President/CEO, Funeral  
Services Inc. and Wendy Russell Wiener, Partner, Broad and Cassel  
“Unitrusts: Advanced Perpetual Care Financial Strategies”  
Cypress Ballroom

#### **2:30 pm – 3:00 pm**

Transportation from The Monterey Plaza Hotel to The Monterey  
Bay Aquarium

#### **3:00 pm—4:30 pm**

Visit to The Monterey Bay Aquarium [Ticketed Event]  
886 Cannery Row Monterey 93940  
Includes transportation back to The Monterey Plaza Hotel

#### **5:00 pm – 5:30 pm**

President’s Meeting with Vendors – Cypress Ballroom 3 and 4

#### **5:30 pm – 6:30 pm**

Vendor/Supplier Exhibit Take-down – Cypress Ballroom

#### **6:30 pm – 7:30 pm**

Reception – Lower Terrace, Outdoor Event [weather permitting]

#### **7:30 pm – 9:00 pm**

Dinner – Monterey Bay Room

### Friday, February 3

#### **8:00 am – 9:00 am**

Breakfast Buffet – Monterey Bay

*End of Program*





**2016 - 2017 CMAC Officers and Directors**

**OFFICERS**

**President**

Michael Wesner—Cemeteries of the Diocese of Orange

**Secretary**

John Llewellyn—Forest Lawn Memorial - Parks & Mortuaries

**Assistant Secretary**

Steve Schacht - SCI

**Chief Financial Officer**

Ken Varner - Cypress Lawn Memorial Park

**Vice President**

Rick Miller - Inglewood Park Cemetery

**Past President**

Darin Drabing - Forest Lawn Memorial – Parks & Mortuaries

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Scott Atherton - Turlock Memorial Park

Steve Doukas - Commerce Holding Company, Inc.

George Estes - Valley Memorial Park

Alan Fisher - East Lawn Memorial Park

Paul Goldstein - Hillside Memorial Park

Chuck Irwin - Cherokee Memorial Park

Peter Manasse - Tulocay Cemetery Association

John Resich, Esq. - Green Hills Memorial Park

Marilyn Talbot - Alta Mesa Cemetery and Funeral Home

Randy Thwing - Santa Barbara Cemetery

Kent Woods - SCI – California Funeral Services

**DIRECTORS EMERITI**

Dennis Poulsen

Mary Tripp

**EXECUTIVE VICE PRESIDENT**

Jerry Desmond, Jr.



**CMAC Program Committee Members**

Scott Drolet, Chair - Forest Lawn Memorial-Parks & Mortuaries

Shawna de la Cruz, Vice Chair - Forest Lawn Memorial-Parks & Mortuaries

Monica Bracho-Hernandez - Inglewood Park Cemetery

Kevin Brown - Inglewood Park Cemetery

Cathy Fiorelli - Northstar Memorial Group

Merrill Mefford - Rose Hills Memorial Park

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Leo O'Connor - Fairhaven Memorial Park & Mortuary

John Resich, Jr., Esq. - Green Hills Memorial Park

Ray Sala - Cypress Lawn Memorial Park

Steve Schacht - SCI

Mike Wesner - Catholic Cemeteries of the Diocese of Orange

Hal Wilkes - Christy Vault Company

