

Lawmaker's plan holds cemeteries accountable

Legislation would work to solve consumer complaints about services

By **TERRI SANGINITI**
Staff reporter

State Sen. Harris B. McDowell III, D-Wilmington North, plans to introduce legislation that would require most cemeteries in the state to be licensed and held accountable for their services.

The announcement came on the heels of a civil action filed Wednesday in Delaware Chancery Court charging Riverview Cemetery with consumer fraud and fiscal mismanagement.

The cemetery is accused of depleting its perpetual care fund, failing to maintain its grounds, and, in one instance, misplacing the grave of a 57-year-old

Wilmington man.

"We've had our hands tied waiting for the [Attorney General's] investigation to conclude," McDowell said Wednesday. "This now lets us go forward with developing our legislation aimed at preventing this kind of thing from happening in the future."

In October, McDowell formed a task force of community leaders, cemetery owners and state officials to explore how to hold cemeteries accountable to consumers. His actions were triggered by numerous calls from his constituents complaining about the deplorable conditions of the 128-year-old nonprofit Riverview Ceme-

tery that straddles North Market Street.

The rough draft of McDowell's legislation calls for the creation of an Office of Cemetery Oversight within the state Department of Health and Social Services.

The office's director would be appointed by the state Secretary of Health and Social Services. The office would regulate the operation of all cemeteries in the state. Cemeteries exempted from state licensing would be those owned by churches, townships, counties and charitable organizations, such as veterans' cemeteries.

McDowell patterned his legislation after existing laws in Maryland, which created its cemetery supervisory office in 1997 to deal with consumer complaints.



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The bill, which he plans to introduce next month, would provide for the establishment of a fund for the continuing care of cemeteries and ensure accountability and financial respon-

sibility of those registered or with permits to operate cemeteries.

The proposed bill also would create a hearing process for violators in Superior Court. Fines of as much as \$3,000, imprisonment not exceeding a year or both, may be imposed.

The bill would mandate that cemetery books be open for inspection to the oversight director, the state

Attorney General's Office and the state Banking Commission, McDowell said.

McDowell said licensing fees and funding for the office have yet to be discussed by the task force.

"I think we're on the right track," McDowell said. "A lot of these cemeteries have fallen into disrepair, and where you find the fix-up money is going to be a more difficult issue."

Meanwhile, the case of Lombardy Cemetery — after a four-year battle — remains in Chancery Court. Lombardy, a privately owned cemetery on Concord Pike between Foulk and Murphy roads, has been under investigation by the Attorney General's Office for consumer fraud, neglect and mismanagement.

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Sen. Harris McDowell's bill would address fraud charges like those facing Riverview Cemetery.