

Cemetery owners charged

Wilmington's Riverview accused of consumer fraud, shoddy upkeep

By **TERRI SANGINITI**
Staff reporter

WILMINGTON — Delaware's attorney general Wednesday charged the owners of Riverview Cemetery with consumer fraud and asked a Chancery Court judge to place the neglected ceme-

tery in receivership.

The civil action results from an investigation of dozens of consumer complaints about the condition of graves and the management of the 128-year-old cemetery at 3300 N. Market St.

The complaint seeks an injunction preventing the nonprofit owners from con-

tinuing to operate the cemetery in a shoddy manner, and from selling grave sites and burial services in a fraudulent manner.

The owners are identified as the Independent Order of Odd Fellows Lodges No. 1 and No. 34, the parent Odd Fellows Grand Lodge of Delaware, and the Knights of Pythias Grand Lodge of Pennsylvania.

The state complaint asks the court to require restitution to defrauded customers, a full account-

ing of records and extensive efforts to locate misplaced graves.

The complaint charges that cemetery records were so poorly maintained that the 2-year-old grave of a 57-year-old Wilmington man, Melvin Allen, cannot be located.

Allen's grave remains lost among 36,000 graves in the cemetery's 87 acres.

The court could require the owners to hire a company that uses radar and

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Cemetery: Finding missing grave top priority

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three-dimensional imaging to try to locate Allen's grave. Deputy Attorney General Olha Rybacoff said.

While asking that the court appoint a receiver to supervise cemetery operations, the complaints also ask the court to order the Odd Fellows Grand Lodge of Delaware to restructure, non-profit corporation to take over the cemetery's operation and assume all of its obligations.

The Grand Lodge was responsible for the mismanagement of the cemetery for the past five years by its two subordinate lodges, the complaint alleged.

Rybacoff said she hoped the Grand Lodge would step in and do the right thing.

"The key is to get this cemetery back to where it should be," Rybacoff said.

Walt Mateja, the cemetery's executive director, said Wednesday he had not seen the 20-page complaint and would not comment.

"I assume they will send it to the lodge, and they will have to get legal counsel and go from there," Mateja said.

Richard L. Boates, deputy supreme chancellor of the

"When these complaints are considered collectively, this situation is deplorable."

Attorney General Jane Brady

Knights of Pythias in Pennsylvania, said he had no knowledge of the legal action.

The complaint covered cemetery operations since 1996.

The state was prevented from including prior problems because of the statute of limitations under the state's Consumer Fraud and Uniform Deceptive Trade Practices acts.

The complaint alleges the owners:

- Failed to honor obligations to customers to maintain a trust fund that would generate interest income sufficient to maintain graves and markers. The cemetery's perpetual care fund has been depleted, according to court records.

- Continued to sell grave sites with promises of perpetual care while knowing the depleted fund would make that impossible.

- Failed to provide adequate security to prevent vandalism.

- Carelessly and recklessly conducted burials and failed to maintain adequate books and records.

- Failed to maintain the cemetery grounds. The cemetery has fallen into disrepair in recent years with weeds, graves piled high with dirt and toppled tombstones, the complaint said.

- Failed to fully inform consumers that "economy graves" would involve burying a loved one on top of a grave of another person, often a stranger.

—Delaware Attorney General Jane Brady said the state received 45 complaints from families with loved ones buried in Riverview Cemetery.

"When these complaints are considered collectively, this situation is deplorable," Brady said. "Some families have been unable to appropriately mourn their relatives, and all of the families deserve and were promised a well-maintained resting place for their loved ones."

Rybacoff said finding Allen's grave is a priority.

Mateja, the cemetery's executive director, said last year that he doubted Allen's grave would ever be found.

Cemetery operators unearthed 12 graves last year without the permission of relatives

in an unsuccessful attempt to find Allen's casket.

Rybacoff said the court could require hiring a company that uses radar equipment to locate buried objects.

"Through the preliminary injunction, that's something we would ask for," Rybacoff said. "because nothing has happened on its own. And it's a distressful situation for the man's wife."

Allen's widow, Jackie Allen,

said she was pleased that some legal steps finally were being taken.

"I have my fingers crossed and hope for the best," said Allen, who was supposed to be buried with her husband when she died. "I don't want to die and have no place to go. At least if they find him we can put the marker on."

Melvin Allen's marker has remained propped against a tree

across from the cemetery's office for two years while cemetery officials tried to find his grave.

A cemetery worker failed to note the grave site for family and cemetery records.

The state's complaint also asks the court to levy fines and assess court costs against the owners.

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