 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Office of Cemetery Oversight

500 N. Calvert Street, 3rd Floor

Baltimore, MD 21202

**OFFICE OF CEMETERY OVERSIGHT**

**ADVISORY COUNCIL ON CEMETERY OPERATIONS**

**MINUTES**

DATE: March 25, 2021

TIME: 10:05 a.m. – a.m.

PLACE**:** **Meeting ID:** https:// [meet.google.com/ ean-zoxr-zgt](https://meet.google.com/mbo-akux-kxf?hs=122&authuser=0)

 Phone Numbers

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PIN:

**MEMBERS PRESENT**

 Frank Porter, Chair

 Yvonne Fisher

 Bruce Hultquist

 David Zinner

Craig Huff

Michael Bennett

**MEMBERS ABSENT**

 Walter Tegeler

Rebecca Edmiston

Erich March

 Ronald Pearcey

**STAFF PRESENT**

 Deborah Rappazzo- Director, Office of Cemetery Oversight

 John Hart- Assistant Attorney General, Office of Cemetery Oversight

Dreama Anderson- Investigator, Office of Cemetery Oversight

Leila Whitley- Administrative Aide, Office of Cemetery Oversight

Greg Morgan-Commissioner, Occupational and Professional Licensing

**STAFF ABSENT**

Jay Wilson- Financial Compliance Administrator, Office of Cemetery Oversight

**VISITORS**

Roger Waters

**CALL TO ORDER**

 Chair Porter called the meeting to order at 10:05 a.m.

**MINUTES**

The minutes from January 28, 2021 were read and accepted with corrections.

**EXECUTIVE DIRECTOR’S REPORT**

1. **Discussion**
2. Reviewed the latest addition of the “OCO Report” newsletter for February, 2021.
3. Adding to our next edition of the ”OCO Report” newsletter the Federal Emergency Management Agency (FEMA) information pertaining to funeral expense reimbursement for individuals dying from COVID-19. Advisory Council Member Zinner shared additional information with the Council about FEMA’s program to reimburse up to $9000 in burial expenses. Advisory Council Member Fisher noted that this information would beneficial to nursing homes who can pass it on to families of residents affected by COVID.
4. Pursuant to the Governor’s executive order issued on March 12, 2020, certain licenses, including those issued by the OCO, did not have to be renewed during the pandemic. A recent update to this executive order (EO 21-03-09-03) was issued by the Governor ending this grace period, and all OCO registrations and permits that have expired since the first executive order went into effect, but otherwise have not been renewed, will now have to renew by May 15, 2021. The grace period, however, did not extend the two-year term of a licensee’s registration or permit. For example, if a cemeterian’s registration expired on August 1, 2020, but they did not renew until the new deadline of May 15, 2021, their next renewal date is still two years after their original expiration date of August 1, 2020.
5. The Executive Director would like to seek a Maryland proclamation recognizing cemeteries, similar to the one issued in support of funeral directors on 3/11/2021. The Executive Director became aware of the proclamation through Advisory Council Member March.
6. Computer update- payments will be accepted via debit card or electronic checks for individual licenses. Meeting tomorrow. Historical reports to obtain the number of contract fees and monthly revenue reports are now accessible to the Executive Director.
7. SB0192/HB0005 looks like it will pass with an effective date of 10/1/21. Therefore, would like to put together a workgroup to look at current regulations and forms. Advisory Council Members that are interested in working on this group should send an email to the Executive Director.
8. Legislative changes for next legislative session, must be submitted to the Secretary by June of 2021, and must be submitted to the Commissioner before going to the Secretary’s Office. Therefore, any legislative ideas need to be submitted to the Executive Director in the next 60 days. There is no limit on the number of ideas submitted to the Executive Director, but the final decision on what ideas are pursued by the Department of Labor is decided by the Secretary’s legislative team. Under Section 5-1002, of the Business Regulation, Annotated Code of Maryland, all provisions of Title 5 relating to the OCO, and all regulations promulgated by the OCO, will expire on 7-1-2023. Therefore, the Office will be working to create and submit legislation to address the needed extension of this sunset provision during the 2022 session. Also, if the Advisory Council would like to revisit the definition of an abandoned cemetery, a work group can be developed. Please send an email to the Executive Director with your interest for this work group.
9. OCO Questionnaire: 99 questionnaires sent out and only 6 outstanding responses needed. Next step is to analyze documents.
10. The hiring of a new Deputy Commissioner, Kausar Syed, was announced to the Council Members.

**INVESTIGATOR’S REPORT**

 Reporting period Investigator's Report Complaints 1/28 to 3/25

15 New Complaints:

(2) Closed

(2) No Jurisdiction-1-Transferred to Board of Morticians/ 1-Transferred to the Maryland Insurance Administration

(3) Memorial

(5) Contract terms

(2) Maintenance

(1) Burial right- heirship

**FINANCIAL COMPLIANCE**

Jay has been working on analyzing questionnaire information. Four reports have come in. Next month will have a more detailed report.

**LICENSING SPECIALIST**

Working on the OCO’s Renewal Listing Report. Contacting all registrants that have an extended renewal expiration date to obtain current licensure either by email, phone or by mail.

**LEGISLATIVE UPDATE**

**SB663 Charles County - Cemeteries - Sediment Control, Stormwater Management, and Forest Conservation**- exempting cemeteries located in Charles County from certain sediment control stormwater management, and forest conservation requirements; making stylistic changes; and generally relating to cemeteries in Charles County. The bill has not moved out of committee.

**HB1099 Historic African American Cemeteries Preservation Fund and Study**- to identify, preserve, restore, protect, maintain, or commemorate graves, monuments, or markers at historic African American cemeteries; requiring the Department of Planning to administer the Fund in coordination with the Commission on African American History and Culture. To be funded by appropriations from the General Fund. The bill has not moved out of committee.

**HB773/SB960 Highways - Public-Private Partnerships - Cultural Preservation**- Prohibits the Maryland Department of Transportation from acquiring a right-of-way or exercising eminent domain, and prohibits a person from acquiring a right-of-way, for a highway project that encroaches on or adversely affects certain cultural and historic sites and properties unless the General Assembly approves the development of the project by a majority vote in each of the two Houses. The bill has not moved out of committee.

**-SB106 Licensing – Good Standing With the State Department of Assessments and Taxation – Requirement** -Requires certain boards and commissions, including the OCO, to determine whether an entity is in Good Standing with SDAT before issuing a license. The Executive Director currently already does this. Passed out of the Senate and referred to committee in the House.

-**HB 604 /SB 180 Funeral Establishments and Crematories – Unclaimed Cremains of Veterans – Notification, Disposition, and Reporting-** **Requires licensed crematories to use certain notification procedures when left with unclaimed cremains of veterans**.SB0180 passed both the Senate and the House. HB0604 passed out of the House and was referred to committee in the Senate.

-**HB 005/ SB192 Cemeteries - Perpetual Care - Distribution From Perpetual Care Trust** **Fund**-SB0192 passed the Senate with amendment and was referred to committee in the House. HB005 passed both the House and the Senate with the same amendment as SB0192.Would become effective 10-1-2021. Changes may need to be made to the regulations due to the changes this bill will make to the OCO’s statute.

**-COMAR 09.34.01.13- Proposed Action on Regulation- Failure to Respond**.

The Advisory Council voted to take proposed action on the following proposed regulation:

***COMAR 09.34.01.13 Communication from Director—Failure to Respond.***

*A. Definition.*

*(1) In this regulation, the following term has the meaning indicated.*

*(2) Term Defined.*

*(a) "Person" has the meaning provided in Business Regulation Article, §1-101(g), Annotated Code of Maryland.*

*(b) "Person" includes:*

*(i) Any registrant or permit holder under Business Regulation Article, Title 5, Annotated Code of Maryland, and any applicant for a registration or permit to operate a cemetery or crematory, or to provide burial goods, in this State; and*

*(ii) Any other person required under the provisions of Business Regulation Article, Title 5, Annotated Code of Maryland, or any regulation in this subtitle, to respond to a communication from the Director.*

*B. Duty to Respond.*

*(1) If a person receives from the Director or the Office a written communication requesting a response, the person shall respond in writing, by first-class mail, within 30 days of the date of the mailing.*

*(2) It is the responsibility of a person to notify the Office in writing if there has been a change in the person's address.*

*C. Failure to respond as required by this regulation may be considered by the Director to be a violation of Business Regulation Article, Title 5, Annotated Code of Maryland*.

Motion made by Advisory Council Member Zinner and seconded by Advisory Council Member Fisher. Unanimous vote by the Council in favor of the proposed action on the regulation.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

 None

 **COUNCIL CONCERNS**

 Expiration of terms- Executive Director will check. If application has not been made by expiration, member remains until reapplication and approval or until another member replaces the member.

 Ethics forms due by April 30th

 **PUBLIC COMMENTS**

 Roger Waters- Volunteer of Trinity Cemetery Inc., a non-profit on the Eastern Shore that took over 2 abandoned cemeteries that were part of the Maryland/Delaware Methodist conference. Trying to ensure that cemeteries will not become abandoned again.

 **CLOSING REMARKS**

 Next meeting - April 22, 2021 10:00 am

 **Meeting adjourned 11:54pm**