History Of the Associated Cemeteries Of Missouri

Ward Fickie
Dale Westby
Davis Biggs, Jr.

Preface

The first portion of this history, with a little editing by Dale, was dictated by Ward before his death and transcribed by Sue Rice. It begins in the 1950's and contains some omissions which we have not been able to fill, but reads as Ward dictated it. The narrative is then picked up by Tad at the place indicated, and continued to, basically, the end of the 2017 session of the Missouri General Assembly.

There exist of course, voluminous files covering much of this long period, but gleaning information from these files is probably too tedious and time consuming to be undertaken in great detail, so most of this is based on recollection. This history is intended to serve as a hopefully useful and readable institutional memory for this Association. It is important for organizing ourselves and dealing with our elected representatives and regulators, to know and understand this history.

Ward Fickie's Narrative

Sometime around 1955, our law firm began to represent a fellow by the name of Bob Maysack who was an old college friend of Davis Biggs. Bob had himself in a bind; he did not have any money, he had raped a company in a sense and he had a 50% interest in Laurel Hill cemetery and Lake Charles Memorial Gardens. The other 50% was held by a fellow named Ray L. Johnson. A group of lot owners which were headed by an attorney by the name of Bill Becker whose office in Clayton had filed a suit involving Laurel Hill and they had questioned whether the Laurel Hill Memorial Care Fund was up to date. At the time, I was the low man on the totem pole at the office and Dave more or less assigned the litigation to me. At that point, the case had been tried in the St. Louis Circuit Court, there had been an appeal to the Missouri Supreme Court and the appeal had been rejected for the reason that there was not a jurisdictional amount of money in issue, the issue was only as to who was entitled to possession of the perpetual care fund. John Nolan who _____ Clayton's lawyer had represented the cemetery but he was getting ready to retire and so somebody else had to step in. I was the one or we were the ones. The original litigation had been sponsored or at least had been supported by two monument ____ located in St. Louis County. One of them was Standard Monument Company which was owned or at least substantially owned by Mickey Carrol and the other was Hetley Monument Company which was owned by Bill Hetley. Strangely, and everything about this litigation is strange, Mickey Carrol was a dwarf. He had been one of the original munchkins in the movie "The Wizard of Oz". Bill Hetley had a game or crippled leg and between the two of them, they represented rather sympathetic characters. As far as I was concerned, neither of them was sympathetic. In addition, Bill Becker was one of the orneriest and I think unethical attorneys practicing law in St. Louis County. At the same time, Bill was a fair, only fair, lawyer but he was tenacious as hell. Bill sensed that one reason he could not get hold of the books of Laurel Hill was that either they were damning or _____ . He got his teeth into this litigation and for a period of years, he gave me fits.

Along about _____ Maysack and Johnson brought in a fellow by the name of Bill Hook _____ who was then to be the General Manager, Superintendent etc of both Laurel Hill and Lake Charles. Bill was an old time cemetery sales person. He also had a lot of organizational ability and he also had the ability to spend the owner's money even when there was not money there to be spent.

The case was reheard and resubmitted in the St. Louis Court of Appeals. About that time, we recognized that we had a bear by the tail and that there was neither money to pay the lawyers nor was there money to make the care funds whole.

About that time, a company which was owned by Jack VanDevanter, Boyd Rogers, and Bob Curtis was about to be acquired by the Metropolitan Sewer District. The nature of the company was to provide engineering for the sewage systems in St. Louis County and the company also owned one sewage disposal plant located _____

In typical Biggs, Curtis etc fashion, the firm presented this as an opportunity particularly to Jack and to Boyd to invest their funds from the sale of Russell and Company in the cemeteries. The funds would be used to make the perpetual care funds whole and the litigation would be disposed of.

The litigation was hard fought and, finally, it was disposed of, and in the course of that Jack VanDevanter and Tom Curtis and the law firm ended up with ownership of Lake Charles and Laurel Hill Cemetery. Just how this was done was a little complicated and I am going to pass over that for the moment.

In about 1958, Mickey Carrol and Bill Hetley got their State Representative or Senator to introduce a bill which stated clearly that cemeteries could not sell markers or memorials. This, of course, would have taken away a substantial portion of the business of the cemetery. This action on their part caused quite a bit of disruption among the cemeteries in the State of

Missouri. Prior to this time, there had been no cooperation or joint effort on the part of Missouri cemeteries. Bill Holgue was an organizer, among other things, and he spirited the effort to defeat the proposed bills banning the sale of memorialization. As a result, the Associated Cemeteries of Missouri was incorporated and then began to do business in the form of approving (sic opposing) the aforesaid legislation.

Meetings were held by the principals participating in the Association and in the course of which they had to have an attorney. The Kansas City people would vote an attorney by the name of George Uylward? Bill Holgue proposed myself and Biggs, Curtis and Crossen and John Litzsinger, Bud Litzinger's father, proposed their company attorney, Don Dubail. A vote was held and Bill Holgue won. Our firm has represented the ACM ever since.

I have gone through this little dance because I think it would be helpful in understanding the history of the organization.

I have also tried to put together in my own mind the people who were originally involved in ACM. I think this is important because these original people did a hell of a job in getting behind myself and the law firm in making appearances in Jefferson City and defeating a series of proposals which would have been harmful if not destructive to cemetery interests.

In St. Louis, our membership included Clifford Zell of Valhalla Cemetery, Bob Stanza of Oak Grove Cemetery, John Litzinger and his family of Mt. Hope Cemetery, a man named Lee Painter who represented a group of the owners of Mt. Lebanon Cemetery. Mt. Lebanon was subsequently acquired by Alexander Funeral Home and Bill and Jim Alexander became active members of ACM. The Kansas City contingent of cemeteries was made up of the Newcomber interests which were headed by David Newcomber III and Forest Hills Cemetery which was headed by Ted Pearson, Memorial Park which was headed by Bill DeVry and his mother whose name escapes me. A cemetery at St. Joseph, Missouri was headed by Carl Schuchart and it was later acquired by Warren Binder and his partner Brown, and you know

how active they were in the association. We also had representation from Maryville, Missouri and the principals at that point were Marvin Wood and Terry Noah and in central Missouri, Fred Newman and Ray Humphrey. A group owned various cemeteries in small towns but they were active in the original business of ACM. In Columbia, Missouri was represented by Memorial Park which was at the time owned by a fellow by the name of Jim _____ but was later acquired by David Duffy and his partner Frank Carnes. *Dale recalls that there were three partners, and the third may have been Ray Brown, who spoke at Warren Binder's funeral. They owned funeral homes and cemeteries in Nebraska, Kansas and Missouri.*

Our early ACM was very active. The small cemeteries participated as well as they could - they were not able to participate greatly in a financial way but they give us a voice in the legislature. Obviously, I do not recall each and every one of the cemeteries, but this is kind of representative of the cemeteries who belonged to the Association in its early days. I would like to say that we used to have an annual and semi-annual meeting and they were largely social meetings but the whole intent of purpose of ACM was to oppose legislative actions harmful to the cemetery industry.

A couple more names of cemeteries who were among our group and should not be overlooked are Sunset Memorial Gardens in St. Louis County owned by Socks Chrisman and Hawthorne Memorial Gardens at Jefferson City owned by Hillman Crowell and his brother Hillard, who was with Hillman in Jefferson City at one point and acquired the cemetery at Hannibal, Missouri.

Our little Association was able to strike down the efforts of Mickey Carrol and Bill Hetley fairly easily. However, about that time, the funeral directors began to come into play and they began to introduce a series of bills which would be detrimental to the cemetery industry and which we opposed year after year after year.

The National Funeral Directors Association – NFDA - had a leader and an attorney who were very smart and they had very strong political interests

behind them. They prepared and presented to many state legislatures programs which were beneficial to and protective of the funeral directors but at the same time were very detrimental to the cemeteries, particularly with the advent of the so called memorial parks, which were the cemeteries which did not have upright markers or monuments; which were the flat bronze and in some instances, granite markers and were sometimes known as the "garden type" cemeteries. We also had the preneed sales organizations spring up. The preneed sales organizations were almost entirely associated with the garden type or memorial type cemeteries. Since the new memorial garden cemeteries were based a great deal on sales of cemetery property and advance of preneed sales, they soon began to or tried to begin to move into the funeral business. The NFDA had several different programs to prevent them from doing that. All of these programs were employed and they all required legislation in the state legislature which would prevent the cemeteries from getting into the funeral business. First of all, legislation was introduced in many states or any number of states which flat out stated that no cemetery shall have a funeral home on its property. Another type of legislation was to require that any funeral home must be owned and operated by a licensed funeral director. In order to become a licensed funeral director, a person would to be a graduate of one of the standard funeral director schools which required a two year program reason culminating in a person also being an embalmer as well as being a funeral director. In other words, at that time, every funeral director had to be an embalmer. Obviously, cemetery owners did not want to go back to a two year school program in order to become an embalmer nor did a cemetery operator want to invest hundreds of thousands of dollars in a funeral home in which he could not properly be the chief executive officer. This funeral directing legislation appealed to state legislators and was passed in a great number of states. The prohibition against having a funeral home on the cemetery property was passed in a certain number of states.

In some states, there was an established Board of Funeral Directors. In these states, which were primarily in the south and the northeast, the Board of Funeral Directors had the power to establish certain rules and regulations and in so establishing them they would normally say that any funeral home

must be owned by a licensed funeral director and also some of them passed rules that no funeral home could be established on cemetery property.

It was my opinion originally and certainly it was affirmed by history that the NFDA was very smart to see early on that there might be competition from outsiders such as the cemeteries and to create barriers against cemeteries getting into the funeral directing business.

Another rather cute rule which the NFDA had in its bylaws was that no funeral director could belong to the NFDA unless he was a member in good standing of his state funeral directors association. At the same time, the state funeral director association had to strictly adopt and follow the rules set up by the NFDA. This was a strong deterrent for any local cemetery owned by a local funeral director to either not join a cemetery association or to not oppose any anti cemetery legislation and to strongly support any anti cemetery legislation which was created by the funeral directors at either the state or national level.

Almost soon as the ACM squashed the legislation prohibiting the sale of the memorialization, bills began to be introduced with respect to requiring a funeral director to be a licensed embalmer and to prevent funeral homes from being established on cemetery property. With respect to the legislation requiring any funeral home operator to be a licensed funeral home director, this type of legislation was presented year after year after year. ACM opposed this on the basis that a person did not have to be an embalmer in order to be a funeral director and particularly in order to own a funeral home. John Litzsinger and Bud Litzinger were often our spokesmen in Jefferson City and they ended up with a somewhat pat presentation where they would explain to the legislative committee that in order to be a funeral director what you had to have was capital, compassion, and common sense. They presented this argument so many times, that some of the senators would interrupt them and say 'well are you going to give us this three "C" argument again Mr. Litzsinger?' The obvious answer was yes. Also obviously, we struck a chord with the members of legislature because it made no sense that a person had to be a licensed embalmer in order to own

a funeral home. In other words, the owner could always hire a licensed embalmer to do his embalming.

Then there was another major item brought up by the funeral directors and it started with the NFDA and was adopted in almost all states, where legislation was introduced to prevent the preneed sale of funerals. Some of this legislation was a flat out prohibition against the preneed sale of funerals. In some states, the legislature adopted such a provision.

In Missouri, I am not certain whether we ever had the out right prohibition presented but the NFDA and its state affiliates also came up with the idea that if you did sell a preneed funeral, 100% of the sale proceeds had to be placed in a "merchandise trust". It is obvious that you cannot have a sales force operating and making sales and being entitled to commissions on those sales unless some of those proceeds of those sales would be available to pay those commissions. In Missouri, this type of legislation was proposed in a number of different years and we were able to prevent its adoption on the basis that it was really a prohibition against preneed sales rather than a protection of the consumer.

After a number of years we reached an accommodation or compromise with the funeral directors whereby we agreed to accept a legislative proposal requiring 80% of the money paid on a preneed funeral into trust. At a later date, we also reached a compromise with the funeral directors about the ownership and operation of a funeral home. This compromise provided that after a certain number of years the State Board of Funeral Directors would establish an examination of funeral director applicants. The applicants need not be a graduate or need not even attend a certified school of embalming and funeral directing but would be required to take an examination indicating that he or she had knowledge of the basic provisions with respect to the operation of a funeral establishment and that he or she had a basic understanding of the rules and regulations and laws bearing on the burial of dead humans and the laws with respect to funeral directing which also would include the laws concerning perpetual care or preneed funeral trusts.

After twelve or fourteen or more years of going to Jefferson City regularly, in the four months of each year, we were rather well established to prevent the funeral directors from putting in their laws which would be prohibitive of a cemetery of getting into the funeral directing business. We agreed to the 80% on the basis that it would not go into effect for a period of I think three or four years which give all of our then card members of the Association the opportunity to study and to take the examination which really only required normal knowledge of the laws about funeral directing and about the requirement that licensed embalmers had to do the embalming of a dead human body and of the trusting laws and generally of the laws of sanitation etc which are truly established for the protection of the public. I believe that during this period of time that most if not all of our members were able to apply for and to obtain a funeral directors license. In order to do that they had to merely to learn the applicable laws and regulations, and pass the examination about the basic and essential laws governing the handling of a funeral.

Davis Biggs Jr.'s Narrative

Ward did not reach this in his narrative of events, but in the mid 1990's, he had the idea of securing funding for the Division's auditing of endowed care funds by enacting a statute providing that one dollar of the proceeds of the sale of each death certificate in Jefferson City would be allocated to the Division to perform this task. While the various issues described in Ward's narrative were addressed over the years, the endowed care law was also being developed in legislation, and this statute was enacted.

Statutes requiring that the trustees of endowed care funds be corporate trustees were also adopted, and this proved important later on, when NPS collapsed. All the preneed funeral trust money had disappeared, along with all the reserves of the captive insurance companies, but the endowed care funds at properties like Oak Hill and Bellerive which were owned by the Cassidys survived in tact, basically because securing regular audits and corporate trusteeship proved to be sufficient protection against even the most predatory embezzlers the death care business has seen.

I do not recall when this legislation was passed, because it was before my time with the Association, but I suspect it may have been, at least in part, in response to problems with individual trustees at Lake Charles and Laurel Hill cemeteries after these properties were sold by members of our old law firm and Jack Van Devanter. The funds quickly disappeared, and protracted litigation was needed to recover them. I worked with Ward on the case, and the need to use corporate trustees, with the attendant regulatory oversight and accountability, rather than individuals, was made very apparent by the record in this case.

The death certificate money still funds most of the audits of endowed care trusts to this day, and is the envy of auditing agencies in other states. It is remarkable that our Association was able to secure this source of funds, and almost certainly because no one else had thought of doing this at that time.

We could not possibly pass such a law today. The line for this kind of funding runs out the door and around the block.
In 2001 I think it was, the Office of Endowed Care Cemeteries and the Division of Professional Registration began to worry that the dollar per death certificate funding would become insufficient, because death certificates could also be obtained from the several counties, and the statute did not require the dollar to be remitted in that case. The Division therefore proposed the licensing statute for endowed and non endowed cemeteries – section 214.275 and .276 - with a large annual license fee to fund the audits and administration. The Association believed that the proposed license fee would prove financially burdensome for smaller operations. At a CMA discussion of the problem in St. Louis, Fred Newman suggested tying the renewal fee to annual interments, and the Association proposed legislation that would do this, which was passed with the Association's support. Joe Treadway, now our lobbyist, was then chairman of the House Professional Registration committee, and we worked closely with him to draft this legislation.

Also about this time, Bud Litzsinger drafted and got passed the legislation permitting cemeteries to recover unused burial rights that went unused for 75 years. The statute provides for published notice, and requires that equivalent space be provided if an owner thereafter shows up, but allows older cemeteries to extend their life by reacquiring unused burial space.

We mentioned earlier that the law had been changed to require corporate trustees to hold endowed care funds. In 1999, Senator Harold Caskey had a constituent who objected to this, and Caskey proposed legislation permitting the funds to be held in insured deposits instead.

Caskey was a formidable and interesting character. He appeared to be blind, but it was never altogether clear to what extent this was actually so. His district was south of Kansas City, and he represented it for many years. He exerted great influence in the legislature, by a combination of mastery of the chamber's rules and a bloodyminded, take no prisoners approach to

getting his legislative way. If he wanted something, either he got it, or nothing else passed.

He had a point. As we know, corporate trust arrangements require a certain amount of money to be involved before corporate trustees will accept a trust, and smaller and newer operations do not possess sufficient funds. We therefore agreed to a modification of the statute to permit escrowed bank deposits as an alternative way of holding the money.

The present law preserves that option, but after 2010, a corporate trustee is required when the fund exceeds $350,000, unless the state permits otherwise. Corporate trustees require a certain amount of money before they will accept a trust, and while they are expensive, there is simply no other arrangement available in life that will secure an endowed care trust arrangement as well. Governments can escape political accountability and do anything with money. Individuals can die, become incapacitated, be duped or leave town. Corporate trustees have capital requirements, cannot leave a jurisdiction and are fully accountable in equity. They are indispensable.

In 2002, ACM got into a legislative battle with Forever Enterprises, an affiliate of National Prearranged Services (NPS). NPS was a third party seller of preneed funeral services, and Forever was the owner and developer of cemeteries. Forever and NPS are long gone of course, if not yet forgotten, but prior to their financial collapse, they were a formidable force in Jefferson City. They had more money than anyone else, and certainly more money than ACM, and they made generous political contributions.

The degree to which NPS and Forever were creatures of Doug Cassidy and his family was not known until 2008. Cassidy, a disbarred lawyer and convicted felon who served some time for financial misconduct back in the 1970's, had no formal position with the company, nor any ownership of record, but he ran the operation through what was later discovered was the "RBT Trust". RBT stood for Rhonda, Brent and Tyler Cassity, Doug's

family, but he was the decision maker. He is back in prison as of this writing, along with one of his sons and several other associates.

The issue was a Forever proposal to add trusting requirements to the preneed sale of burial services. At that time, the law only provided for escrowing 110% of the wholesale cost of monuments and markers sold preneed, and Forever suggested that preneed sale of burial services needed protection too. They proposed requiring 15% of the sale proceeds to be trusted, arguing that that would be sufficient to dig the grave. ACM concluded that there should be trusting, but took the position that 80% of the proceeds should be trusted, as in chapter 436. We argued that permitting 85% of the sale proceeds of an opening and closing sold preneed to be paid out at the sale would effectively separate the cemetery's economic value from the park itself, and result in more parks becoming economically unviable before sufficient endowed care funds could be accumulated to prevent them from becoming public charges.

The legislature ultimately split the difference, requiring 40% trusting and not permitting any sweeping of the escrow account prior to the actual performance of services. After NPS and Forever collapsed, we quickly pushed through changes now appearing in 214.387 setting the trusting requirement at 80% for goods and services in 2009.

The collapse of NPS and Forever in 2008 may be said to have demonstrated the value and necessity of ACM. It is axiomatic to us, but the death care business deals with grief and overwrought times in people's lives. Stories periodically arise and receive media attention about problems in our industry e.g. Burr Oak, Florida, and problems in this state. When this happens, recourse is frequently sought to the legislature for solutions, and if we don't pay attention to this, we can be put out of business.

NPS of course was a major story by any measure, and we knew we would be busy in Jefferson City. NPS basically fell apart as our legislative session in 2008 was getting underway. There was nothing to do that year but vigilantly watch, and sure enough, right at the end of the session, a bill

appeared headed for passage addressing the preneed sale problem, which expressly defined the sale of an interment right as a preneed sale, requiring a trusting of the sale proceeds until interment occurs.
It is worthwhile to reflect on this a little. The public does not understand the cemetery business, and cemeterians do not understand how easily their business can be misunderstood. It is a perpetual challenge this Association will always face.

For one thing, the public and its elected representatives invariably confuse it with the funeral business. That is what was happening here. While both deal with death care, a funeral home and a cemetery park are as different as any two things can be. We know this, but the public and its elected representatives and appointees, really do not. If someone is not there to explain it to them, we may see the lawful revenues upon which we depend to conduct business withheld from us by a stroke of a pen. Here, we immediately contacted Connie Clarkston, explained the problem, and got the bill pulled. The following year, similar language kept popping up in legislative proposals, and we kept getting it stricken. What the legislators had to understand is that the sale of a burial or interment right is a present interest sale, regardless of when the right is used – like selling a hammer in a hardware store. Cemeteries depend on the proceeds of these sales to operate and meet their expenses as they come due.

Our position on this issue might be contrasted to our opposition to the NPS/Forever proposal to accelerate income to a cemetery by only requiring it to trust 15% of the proceeds of prearranged burial service sales. But in both cases, the Association position reflected the settled experience of how cemeteries may best be managed as business assets in order to have a long economic life during which the park is maintained with no expense to the public, and during which an endowed care fund for its continued maintenance is slowly built up. This business model is reasonable, and if it is disrupted, cemeteries will become unprofitable sooner, and become public charges.

Following the 2008 session, Tom Reichards, Executive Director of the Office of Endowed Care Cemeteries in the Division of Professional Registration, organized a series of meetings of all interested parties in Jefferson City to consider changes to the cemetery law. ACM had some very good ideas about how the law could be improved. We participated in these meetings and I think I can fairly and rightly say, exerted great influence and won the trust and respect of the other parties – various consumer groups, AARP, attorneys, state government people. One idea was increasing the trusting amount and improving the trusting arrangements on prearranged sales of burial goods and services was mentioned above, now reflected in 214.387.

In addition, Bud Litzsinger in particular had for years been arguing for a clearer definition of income in endowed care funds, to exclude capital gains. Past practice at the Division had permitted operators to take capital gains from their funds. Bud pointed out that of course, these gains were not offset by losses in calculating distributions. We also felt that the statutory language in effect at the time would probably be construed by the courts to prohibit taking gains because the statute expressly called for capital appreciation in the value of the fund, and so we played around with getting the Division to prohibit counting gains as income by rule. But past practice had permitted it, chapter 436 authorized the sweeping of gains from trust accounts, and we were pretty sure that NPS would effectively oppose any effort to amend the statute to prohibit the practice.

As a result, auditors of endowed care funds were arguing about the definition of income with some operators. With NPS out of the picture, the Association was successful in pushing legislation in section 214.330 to offer a clear definition of income, which included a 'unitrust' option permitting income to be defined as a rolling percentage of fund value, not to exceed five percent, so that operators would not be penalized if the trust funds were successfully invested in equities.

The process took two years. SCI killed our bill the first year. We were very unhappy about this, but we got together with them the following year and established a very constructive relationship, and they made some excellent

suggestions for improving the draft. It passed and was signed by the governor, and things have been pretty quiet for us since. MFDEA made a proposal to eliminate the limited funeral license for crematories and require a full license. We quickly killed this suggestion in Senator Wasson's office, pointing out that we had members and other crematories around the state using this license just to do cremations, and requiring a full license for these operations was burdensome and would serve no good purpose. This year, we supported legislation which passed to improve investment management for county owned cemetery funds, while stopping a proposal to permit encroachments against principal.

I should also mention the Allied Memorial Council, as members and the public should know what this is. Going well back into the years covered by Ward's narrative and well described there, legislative fights between cemeterians and funeral directors, and also third party sellers, became so regular that legislators themselves complained and suggested that these parties set up some arrangement to review their legislative proposals in advance among themselves, and see what agreements could be resolved before bringing the disputes before the General Assembly. This was done with the formation of the Allied Memorial Council. Its members were MFDA, ACM, the State Board, third party sellers, and insurance interests, and it met every year for many years.

The disputes between these various interests have subsided to a great extent over the years. Third party sellers have faded from the scene since the reforms following the NPS collapse. As a result, the Council has not formally met in several years. However, it has not formally dissolved, and ACM routinely circulates a letter every year asking if any member has proposed legislation to review, and continues to believe that the Council serves a good purpose.

Ward introduced me to the Association at the 1995 convention held at the Lodge of the Four Seasons at the Lake. Matthews International supplied an enormous bronze plaque that year, to be raffled off to raise money for ACM. Ward told me that if my ticket won, I would have to give it back, to be

auctioned off, and that was perfectly all right with me as the thing appeared to be a monstrosity that would gather dust in an attic until it was disposed of for the best offer at a yard sale, probably wrenching out my back somewhere along the line in the process. I won, disclaimed the prize, and watched in utter amazement as the value was driven up by furious bidding until Dale ultimately claimed it for 2300 bucks. I had entered a strange new world.

However, I have liked this world, and made a lot of friends in it. The cemetery industry is not rich enough to buy influence, but from its beginning down to the present, this Association has always had a membership of high quality. From the beginning, it has exerted influence on legislation by the efforts of its members themselves going to Jefferson City when the General Assembly is in session and meeting with our elected representatives and also the people at the Division. The meetings and conventions of this Association have always demonstrated a congenial ability to mix business and pleasure in positive and productive ways, making due allowance for the occasional hangover. There is a good collegial attitude in this state among its cemeterians. In recent years, the practice has been instituted of inviting as many members as possible to the January meeting, to meet with the legislators, and I think every member who has done this has come away with a good impression of how we do our job, and why. This meeting does us a world of good even in years when we have no particular issue or business before the General Assembly.

The body of laws governing cemeteries that has evolved in Missouri over the history of this Association and very much as a result of its influence, is something to be understood and appreciated. The cemetery business is a unique and peculiar business. Its principle asset is a park, which exists in the middle of the community and with which the community has a peculiar and deep interest and attachment. There is nothing else like this.

What arrangement will best manage and maintain this park, and the cemetery records, to serve the community? The law recognizes and secures the right of the operator to develop and manage the park to secure the

necessary revenues through the sale of interment rights, monuments, markers and memorials, and burial services. Endowed Care cemeteries operating under our law accumulate an endowed care fund, which is now secured by regular audits and corporate trusteeship, over the economic life of the cemetery, leveraging both contributions on interment right sales, and long term appreciation from the prudent investment of the fund in securities, to secure the best possible chance that these parks may be developed and maintained into perpetuity without becoming very expensive public charges, even when their economic value is exhausted.

The business does not produce Fortune Five hundred fortunes, but careful and prudent operators have made livings by operating endowed care cemeteries, and this is essential if the parks are not to become public charges. Some parks have not been well managed, or the business operation has met some misfortune, and we have seen what sort of problems emerge as a result. No cemeterian who manages his park as best he can under this law, has to apologize for the living he makes doing it.

Dale Westby has for many years, up to just recently, been the association's secretary and treasurer, and suggested that it also be mentioned here that legislative battles have in the past always proved expensive. When we have been deeply engaged, as in 2008-2010, my invoices and lobbyist expenses have emptied the coffers. In times of legislative peace, as we have had recently, ACM's financial reserves are gradually rebuilt. The point to be made is that the cemetery industry is not a wealthy one. The involvement of members and the support of our suppliers is important from a financial standpoint.

The Association began employing lobbyists when Ward brought me in to replace him, correctly recognizing that I would not be able to manage things by myself as he had. Sharon Williams and Joe Treadway have been great. Our supplier members have supported us and helped us every year. Counsel has done its best, but the strength of this Association has always been and will always be its board and its membership.