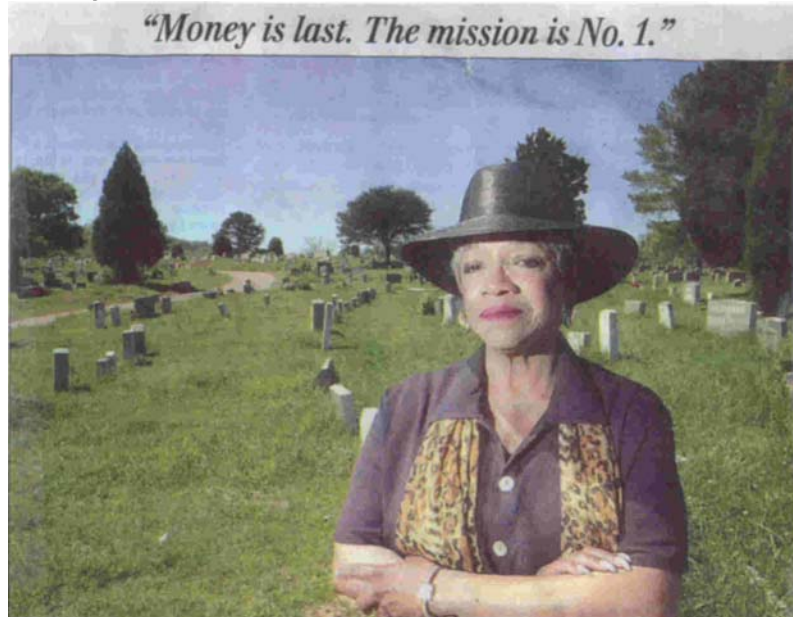


Eternal Justice, Inc. In Action

Illinois

"Money is last. The mission is No. 1."



Victory!
The First Install!!



Bill Steinbinger and Carolyn Jacobi: Victory over 1st install in Peoria, Illinois at Springdale Cemetery. The installation was

performed without the blessing of the Cemetery Authority. (1998)

Illinois is a great example of the power of Carolyn Jacobi and Eternal Justice. Shown below is a chronology of events as they unfolded in 1998. These highlights are a shining example of consumer protection under the guidance of Eternal Justice.

September '98

Success Story: Court Order In Illinois Favorable

On July 24, 1998, a judge in Peoria, Illinois ordered the owners of historic Springdale Cemetery to comply with directives favorable to consumers and to monument retailers in the area. Important portions of the order include that, 1) specifications and installation requirements shall not discriminate against third-party providers, and 2) the cemetery cannot represent that only Springdale employees can sell, install, reset, or engrave memorials. There are other specific directives in the order, but the underlying reasons for the judge's opinion can be helpful to MBNA members as they try to work out amicable relationships with cemeteries in their areas. In the Peoria case, the judge found that the cemetery's rules and regulations constitute an illegal tying arrangement which is a violation of the Illinois Antitrust Act. "The sale of burial lots is the tying product and the sale of markers, installation services, the repair, engraving of markers are the tied products and services. The tie that binds the products together is the provision in the sales agreement that purchasers must abide by all the rules and regulations of the cemetery, then existing or to be promulgated in the future, at the sole discretion of the Springdale Cemetery.

The Court finds that the Springdale Cemetery, Inc.'s rules, regulations, practices and procedures regarding third-party providers restrain a substantial amount of commerce in the sale, installation, repair, and engraving of cemetery markers. Economic power with respect to the tying market may be established in two ways. It can be shown by proof of a sufficiently large market share or it may also be established where the seller has a unique product to sell. The degree of market power and the kind of market power are separate elements which may, alone or in combination, constitute a per se violation of the Antitrust Act.

It is well established that the land is sufficiently unique to support the market power element of a per se tying violation. Cemetery lots are especially unique, not only in the sense that all real estate is unique, but also in the sense that once some family members are buried in a certain cemetery, competition is curtailed by their desire to be buried with their loved ones. Thus, cemetery lots are unique in a way that gives Springdale Cemetery special leverage in the market.

When the largest cemetery in a market demands as a precondition to the sale of cemetery lots that its customers purchase installation services exclusively from it, the substantial effect on commerce in that product and the restraint of trade in that product is patent." The judge also noted a clarification of the rights of survivors. "The common law right of a deceased person's descendants and loved ones to bury, visit, mark the final resting place, and honor the dead is an independent basis for enjoining the Defendant's practices. The common law right, known as the right of sepulture, cannot be abridged by cemetery authority's unreasonable rules, regulations, and procedures. Any unreasonable limitation on the rights of sepulture can be

enjoined by the deceased one's family.

Therefore, Springdale Cemetery, Inc. is enjoined from requiring third party providers to comply with the rules, regulations, practices and procedures found in Defendant's Exhibits 1 and 2. Specifically, the Defendant is enjoined from requiring:

- 1.) the current application form;
- 2.) an application process by mail;
- 3.) the application fee, \$75.00
- 4.) the administration fee, \$75.00
- 5.) the administration fee, \$75.00
- 6.) inspection fee (foundation), \$100.00
- 7.) inspection fee (completion), \$75.00
- 8.) payment by cashiers' check only;
- 9.) a work order for each job;
- 10.) board in / board out requirement;
- 11.) the indemnification agreement;
- 12.) policy and procedures for contractor's application;
- 13.) the memorial specification and installation requirements;
- 14.) a road fee, \$75.00."

The order against the Springdale Cemetery remains in effect until a civil suit brought against the cemetery is adjudicated or otherwise settled. The suit has been filed by several consumers of goods and services from the cemetery as well as Peoria Monument Company and MBNA member firm, Abel Vault & Monument Company. The memorialists are claiming significant losses of business over the past five years due to the cemetery's rules and regulations.

August '98

Jacobi Continues Her Fight For Peoria Citizens

"Crazy things are happening in the state of Illinois," said Consumer Advocate Consultant Carolyn Jacobi at the Southwest / LA -MS Convention. Jacobi spoke to many in Shreveport, Louisiana updating attendees about her activities in Peoria, Illinois which includes fighting officials and cemetery owners because of negligence to their citizens. Jacobi went before the city council to discuss the numerous violations throughout the Springdale Cemetery. Jacobi discussed how the fees should go primarily for the maintenance of the cemetery. She reminded the council that it is their obligation to protect the welfare of the people and that they have not done that by allowing the cemetery owners to not provide the proper upkeep. The next day, the mayor united with the City Council and that began the enforcement of regulation and equity for outside installers and consumers. Jacobi was summoned back to Peoria on May 19th and she stayed there until the 30th. She, along with 50 volunteers, handed out questionnaires the entire Memorial Day weekend on the property of the cemetery. The response back was over 700 completed surveys and not one of them had a positive comment. This was the beginning documentation needed for a class action suit. There was even more success happening in the cemetery. The broken-down mausoleum that upset Jacobi months ago was fixed; its door was opened, a new roof was provided, and lights

were installed.

There are volunteers in Peoria right now making telephone calls to expand the base for the class action suit. Jacobi said that perhaps it would be the citizens of Peoria that would one day own the cemetery. "We are in a political mode right now," said Jacobi. "The time is right."

June '98

Jacobi Helps To Spark Rejuvenation Of Historic Cemetery

Protection of the rights of consumers and memorialists as well as rescuing historic Springdale Cemetery is the target of an ordinance that members of the Peoria, Illinois, City Council have asked Carolyn Jacobi to help them craft.

"In the past 13 years, the cemetery has had five different owners," said Bill Steubinger of Peoria Monument Co. "As a memorialist and former cemeterian the changes have been difficult to observe." "The cemetery has thousands of memorials which are leaning, sinking, tilting, and hundreds which either have been vandalized or toppled to the ground," he said. "We have been asked by many people to repair and reset memorials to their loved ones," said Steubinger. Many customers who have purchased memorials from his firm in recent years asked his firm to handle the rehabilitation or replacement. But after meeting with cemetery officials about doing the work, Steubinger said he received application forms requiring fees of \$350.00 per job, plus asking for "confidential and/or private" information about the memorialist's annual sales volume and listing of bank account numbers. "To date, Steubinger said, we have not reset, repaired or installed one memorial in Springdale." The cemetery owner also required outside memorialists to pour a 32" deep concrete footing with a 2" concrete border around every memorial, Steubinger said. We're comfortable with this as we install most memorials in a similar fashion. However, upon inspecting some memorials installed by the cemetery, we did not find a 32" depth of concrete but instead a 3" layer of pea gravel. Steubinger said that the two Peoria cemeteries ~ Service Corporation International's Parkview and the Loewen Group's Swan Lake Memory Gardens ~ initially refused access to independent memorialists. But after Steubinger and Carolyn Jacobi cited legal rulings upholding the rights of third-party vendors, both cemeteries agreed to allow outside firms to pour foundations and set memorials with only a \$95.00 administrative and staking fee. A letter citing the court cases as well as the agreement reached with other Peoria cemeteries was sent to current Springdale owner, Larry Leach in Boca Raton, Florida. Jacobi said a similar challenge in Freeport, Illinois, resulted in Oakland Cemetery replacing another "ridiculous fee" with an administrative fee of only \$50.00. Jacobi said she also successfully challenged "surface enhancement fees" of \$500.00 and \$1,000.00 assessed by a pair of SCI owned cemeteries in Adelphi, Maryland. Cemetery management made an administrative decision to discontinue the fees," Jacobi said.

Steubinger said he first met Jacobi after she spoke to the Springdale Historic Cemetery Association. The advocacy group wants to purchase or to have the city purchase and restore and perpetuate the Springdale Cemetery.

Steubinger said other problems that consumers and memorialists have encountered include prohibiting "outside" engravers from working in the cemetery, failing to reveal lot locations and expressing an attitude of "get out of the cemetery." Steubinger told the council of a customer waiting five months for Springdale workers to complete concrete work that outside

contractors could have done in six to eight weeks.

March '98

Illinois Lawmakers Announce New Legislation

State Representative Ron Lawfer and Illinois Comptroller Loleta Didrickson announced new legislation at a press conference at the Oakwood Cemetery in Freeport, Illinois recently. The situation at the cemetery was brought to light by MBNA's Legislative /Consumer Advocacy Consultant Carolyn Jacobi last fall. The new legislation is aimed at remedying the problems with cemetery maintenance and trust care funds at Oakwood and other cemeteries across the state.

In a separate press conference Lawfer introduced a second piece of legislation which will allow for more local control and oversight of private cemeteries. Currently, local law enforcement officials do not have jurisdiction over neglect of care or vandalism at private cemeteries. Lawfer's legislation allows for the local State's Attorney to maintain and protect the cemetery. Violation of these provisions can result in the cemetery authorities being charged with a Class 4 felony. "Local law enforcement officers know that something needs to be done," Lawfer said. "I do not want to give them the ability to do something without having to wait for a state agency to handle the situation."

Comptroller Didrickson announced new legislation to enact new regulations on the use of care funds. "I look forward to working with the comptroller to make this legislation into law," Lawfer said. "Maintenance and care trust funds should be used for maintenance and care. It's as simple as that."

Under current law, care funds can be used for administrative expenditures and personnel. Last year, Oakland Cemetery spent \$11,000.00 out of \$17,700.00 in care funds for non-maintenance expenditures. "It's a tragedy, but unfortunately it's not a crime to use trust funds for purposes other than maintaining and caring for the physical needs of a cemetery," Dickerson said.

Carolyn Jacobi, MBNA's consultant, said that memorialists throughout Illinois are mobilizing for this legislation and expect this state to be the first state in the union to get legislation protecting the consumer. "The situation in Freeport is typical of the long term victimization of consumers throughout Illinois," she said. "We exposed the lack of support of the political system to the public, and they're finally doing something about it."

February '98

Illinois Cemetery Abuses Rectified

MBNA members Brian and Dave Pruitt, owners of Flachtemeier Monuments, Freeport, Illinois, have reported that after five years of consumer abuse, city and state officials are finally doing something about Oakland Cemetery in Freeport. But, change did not come easily. MBNA Consumer Advocate Carolyn Jacobi, addressed a rally of almost 1,000 people in Freeport last October, pointing out consumer abuses such as illegal fees charged for removing and replacing decorations, and the selling of lots and vaults to the public, but not providing the material sold.

"Memorialists had also been victimized," the Pruitts noted. "We had been unable to install memorials for the last three years. The cemetery had been very uncooperative in giving

information on lot locations. They even voiced a threat of trespassing against us." MBNA Consumer Advocate Carolyn Jacobi noted that the situation in Freeport was typical of the long term victimization of consumers throughout Illinois. "In essence, I exposed the lack of support on the part of numerous political representatives, including the state comptroller, the mayor of the town, the county executive, the health commissioner, and the state's attorney," Jacobi said. "All these political representatives were in attendance at the rally, and all had ignored the situation. For years, they told the public that nothing was wrong. Well, I read the riot act to them in front of that community of 25,000 people. I reminded the people in Freeport that they had the power of the vote - that all of the political representatives who were there were in their official capacity because of the power of the vote."

The Pruitts report that since the rally they have been allowed back into the Oakland Cemetery to do setting work. They also report that decorations have been replaced at the grave site at no extra charge, and that a dump site within the cemetery has been cleared up. "This was a wake-up call to political representatives in Illinois," Jacobi said. "Since last fall, we have had eight other cemeteries exposed in the state. The people in charge are finally going to cemeteries and making public statements, taking action that should have been taken years ago. And this being an election year, they are all working hard at their duty to protect the consumer. All I did was challenge them to fulfill their commitment or lose their political seat." At a January press conference in Freeport, a representative running for office issued a subpoena to the non-licensed cemetery owner to shut down the cemetery. "With the help of MBNA we are mobilizing throughout Illinois and expect it to be the first state to get legislation protecting the consumer because of our efforts," Jacobi said.

January '98

MBNA's Consultant Takes Aim At Laws

Carolyn Jacobi, founder of the cemetery watchdog group, Eternal Justice, Inc., has been retained as the Legislative/Consumer Advocacy Consultant by the Monument Builders of North America. She has experience, abilities, and expertise that will help MBNA to enact legislation to protect the monument consumer. Jacobi founded Eternal Justice, Inc. in May of 1995 as a fighting tool and a voice of the people. A product of the cemetery industry, Jacobi was sales manager of a cemetery for a number of years before the stress of the job forced her to retire.

Through her work, the Maryland State Legislature created an Office of Cemetery Oversight to investigate cemetery practices. Jacobi believes that memorialists must mobilize now against the cemetery conglomerates.

"Some cemeteries are installing upright monuments in the middle of four graves, selling the foundation and the monument twice and illegally recycling graves," she said. "Families are required to pay for monument privileges, and are offered rebates when they purchase their memorial from the cemetery. This list of illegal and unethical practices goes on and on."

Jacobi finds that most states are not regulated, and those that are, are not enforcing the laws. "This happens because there is no watchdog with the knowledge to keep them in check.

MBNA must organize and mobilize its membership, otherwise the independent memorial retailer will become extinct."

Jacobi promises that the results she got in Maryland can be achieved in other states as well. Currently she is collecting data on cemetery complaints and abuses from memorialists through the state and provincial association meetings and through MBNA Headquarters. She will present an Update on the Legislative/Consumer Advocacy plan of action at Breakfast in

Orlando, on Tuesday, January 27, 1998, at 8:00 a.m.

**For additional information and/or help or
simply just to talk please feel free to call me.**