

### ***How to Start***

No one is perfect, including funeral directors and cemeterians. We all make mistakes. If you are dissatisfied with your funeral or cemetery experience, try to settle your concerns with those involved **first**. That's how you would want to be treated, if it were your business.

**Write down everything** from the minute you feel you might have a complaint, to make sure you record details while they're fresh in your mind. If another person is with you and shares your concerns, ask that person to write down what happened, too. Sometimes that person will remember additional helpful information. Be sure to **date** all of your notes. Write down the **names** of everyone you deal with, even if it is just a first name or a description of what the person looked like. Keep a **log of all phone conversations** including who said what.

### ***What Constitutes a Legitimate Complaint?***

Funeral home and cemetery complaints generally fall into the following general categories or a combination of them. Here are some examples:

- **unreasonable or unexpected cost** — the price list shows that the least expensive casket available is \$595, but the funeral director claims there is nothing available less than the \$2,000 casket on display
- **unethical or unprofessional conduct** — you were told that embalming was required even for private family viewing, or that the handles will fall off the third- party casket
- **negligence** — the funeral home failed to send the obituary to the newspaper, and no one showed up for the funeral
- **breach of contract** — the cemetery or monument dealer failed to deliver the marker you ordered, even after six months.

***How you word your complaint is extremely important.*** "It was a terrible funeral" or "It cost too much" are not valid complaints. It might have been terrible or cost a lot, but you will be more effective in getting results when you can be specific or identify a law or regulation that was broken.

### ***Federal Regulations***

The Federal Trade Commission (FTC) is responsible for enforcing compliance with funeral regulation that protect your right to choose only the funeral goods and services you want. If a funeral director follows all these rules and the price still seems too high, then you have a right to change funeral homes, even if you have to move the body. Unfortunately, many people complain about the prices after the service when it may be too late. Funeral directors must abide by FTC regulations, which together are called the Funeral Rule. (These regulations do NOT yet apply to cemeteries.) If the funeral director did NOT follow all these rules, you have grounds for a complaint. If you arrange a funeral from out-of- state, the funeral director must provide the following information by fax or mail.

- You must be given an itemized price list of general services BEFORE you decide on the services you want and BEFORE any services are provided.
- You must be given a casket price list BEFORE selecting a casket.
- You must be given an outer burial container price list BEFORE picking out a vault.
- You must be given an itemized total for everything you've selected PRIOR to services being provided.
- You cannot be required to purchase any goods or services that are not required by law. You usually have the right to refuse embalming. (Funeral homes *are* allowed to

charge one nondeclinable "basic" fee, but only one.)

- You cannot be charged an additional fee if you supply the casket or other items.
- The funeral home may not lie about or misrepresent funeral or cemetery laws. If you are told something is required by law, ask for a copy of the law.

### ***State Regulations***

Many states have additional laws and regulations that may affect your complaint. Call the FCA office or a local affiliate to find out more. For example, in some states it's legal for the funeral director to hold a body until the bill is paid. In other states it is not, and some state laws simply don't deal with this issue. Some states may have a clear and detailed list of unprofessional conduct, others may not.

### ***Where to File***

All states, except Colorado and Hawaii, have a funeral board or agency that regulates funeral directors. About half the states have some sort of cemetery regulation. Your complaint should be addressed to the regulatory board when there is one. In addition, if there's a possibility of criminal action, it would be a good idea to file a complaint with the state's Attorney General's Department of Consumer Affairs. These addresses can be found on the state government's web site. Or call the FCA office if you don't have internet access.

If your complaint involves a violation of the FTC Funeral Rule (see earlier list), send a copy to the FTC, 600 Pennsylvania Ave. NW, Washington, DC 20580. The FTC doesn't usually act on a single complaint, waiting instead to see if there's a "pattern" of violations. It is important to make the FTC staff aware of industry practices, even if that agency may take no action at this time.

Make sure you send a copy of your complaint to the person or company you're

complaining about. Also put a "cc" at the bottom of your letter to show that you're sending a copy to Funeral Consumers Alliance, too. That lets everyone know that we'll be watching to see what they do.

#### *What to Expect*

It is a good idea when you file your complaint to indicate what kind of resolution you would like to see. You will not always get what you want, but providing such information can be helpful to the intervening investigative agencies. Be realistic in your request. Asking the funeral director to write off the whole cost of a \$10,000 funeral because Mom's hair wasn't quite right is not a reasonable request.

In some states, members of the funeral board themselves investigate. Many have a consumer representative on their boards, and the conscientious ones will make sure a consumer representative is a member of the investigating team. Some boards have investigators on their staffs. In other states, the complaint will be turned over to an enforcement department responsible for a number of agencies. Or sometimes the Attorney General's office is responsible for investigating consumer complaints.

Usually, a funeral board or the state has a number of options. It can order a refund or reduction in the funeral bill, it can impose a fine, it can order an apology or require additional education. It might issue a warning, place the offender on probation, or it might even revoke a license. Taking a funeral director's license is rarely done, however, and then only for the most outrageous misconduct such as embezzling preneed funeral money. If the only remedy available to the funeral board is revoking a license, you may be disappointed with the results of your complaint, as this is rarely done. Furthermore, once the complaint has been filed, you may never be informed of the outcome, as these "hearings" are generally

held in closed meetings. That doesn't mean you still shouldn't file a complaint.

#### *Why Some People Don't File a Complaint*

- They lack the information to understand that they have a legitimate grievance.
- They don't know where to complain.
- Consumers may be emotionally exhausted by their experience.
- The complaint process may be cumbersome.
- They may lack the time to follow through.
- The complaint process may force the consumer into the role of litigant, when many would prefer that the regulatory agency take over that role.
- Some consumers are embarrassed and do not want to publicly acknowledge that they were taken advantage of.
- Because of their status in the community, some do not want to cause "trouble."
- The problem gets resolved and never brought to the attention of regulators
- No regulatory agency has authority to set a limit on prices.

#### *Why You Should File a Complaint*

The level of training to become a funeral director is minimal in many states. Sometimes a funeral director needs some additional required education — a common outcome for consumer complaints. When large corporations buy up funeral homes, policies may be instituted that cut corners to improve profits--to the detriment of the consumer. **Your complaint may prevent the same or similar thing from happening to someone else.** Improvements for consumers occur most often when regulatory bodies know about problems. Filing a complaint may not only help you, but it may help all consumers.



## *How to File a Funeral or Cemetery Complaint*



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