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Cemetery Association of Oregon

8421 S. Macadam Avenue  
Portland, Oregon 97219  
cemeteryassociationoforegon@gmail.com  
971-258-0886  
[www.oregoncemeteries.com](http://www.oregoncemeteries.com)

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Dear Sofia & Chad:

In view of the participation by Cemetery Association of Oregon's legislative committee members, Ty Cochrane and Rachel Essig, I am writing you to let you know that the Cemetery Association of Oregon strongly opposes the direction of the joint OMCB and DCBS meetings to address 97.813, section (1) "Minimum standards of care for the maintenance and operation of endowment care cemeteries;"

We believe imposing any standards of care upon cemeteries will have unintended consequences that will greatly impact our communities, up to cemetery operators giving up managing the cemeteries and ultimately becoming a burden on local government jurisdictions. We strongly believe that, while unfortunate, the issue with Eternal Hills is an exception and is isolated. Therefore, setting minimum standards of care is not necessary. We believe that no other state in the nation has adopted language that is being considered.

What happened with Eternal Hills, needs to be addressed and is being addressed. It is important for the community in the Klamath Falls area to be heard and for the wrongs imposed on them by the owner. However, instituting rules in how a cemetery is cared for creates complex issues that the State will not be able to regulate and where cemeteries will struggle to comply. Improving standards is important to us, as the State Association for cemeteries. If the owner or receiver of Eternal Hills tried to use endowment care funds for the care of Eternal Hills, it would have little impact, since interest income from endowment is very limited.

What we recommend is the DCBS and OMCB determine a cemetery is not meeting minimum standards when 1) the facility loses its license and 2) the cemetery is reported as a public nuisance by the local city or county and 3) the cemetery is in receivership. Then when these are met the receiver can access a portion of the principal of the endowment fund for general care such as mowing at a minimal frequency, garbage removal and irrigating if any irrigation is present.

We have no issues with the granting access to the cemeteries part of the rulings.

We urge the OMCB and DCBS to consider having a separate meeting with us. Our mission is to safeguard standards in the industry while working toward improving operational and regulatory practices of Oregon cemeteries. Together we can ensure that all citizens best interests are represented.

Marie Henry

President, Cemetery Association of Oregon