Consumer Tips

✓ Check to see if the cemetery is registered with the Division of Real Estate and Professional Licensing.

✓ Ask the cemetery operator for a copy of the cemetery's rules and regulations.

✓ Be sure that you understand the cemetery's monument/marker and decoration policies.

✓ View the grave, crypt or other interment site before you purchase.

✓ Insist that any promise made to you be in writing on the cemetery's stationary and signed by cemetery personnel.

✓ Before you enter into a contract or agreement, find out about any cancellation and refund policies.

✓ Ask about all current and future prices and fees.

✓ When you purchase a burial plot or grave, you are purchasing the right to be buried (interred) there, not the actual ground.

✓ Find out if your interment rights or other merchandise and services can be transferred to another person, transferred for use at another cemetery, or bought back by the cemetery if you move.

✓ Be sure that the specific location of your lot, crypt or interment right is clearly identified and unconditionally guaranteed on your contract or purchase agreement (required by Ohio law).

✓ Include interment rights in your will by specific bequest.

Department of Commerce

Division of Real Estate & Professional Licensing

Ohio Department of Commerce

Division of Real Estate and Professional Licensing

Ohio Cemetery Dispute Resolution Commission

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www.com.ohio.gov/real/CeMain.aspx

Member of the North American Death Care Regulators Association
http://www.dcra.wildapricot.org/

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Department of Commerce

Division of Real Estate & Professional Licensing

Ohio Cemeteries: A Consumer Guide

John R. Kasich, Governor
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Ohio Cemetery Dispute Resolution Commission

www.com.ohio.gov

Ohio Cemeteries: A Consumer Guide

You may experience a great deal of stress or confusion when purchasing cemetery merchandise or services for yourself or a loved one. This brochure was created to help you understand how cemeteries in Ohio are regulated, explain what to do if you are experiencing a problem with a cemetery, and provide you with tips to consider before making a purchase.

Cemetery Registration

According to Ohio law, no person, church, religious society, established fraternal organization, or political subdivision of the state shall own, operate, or maintain a cemetery unless the cemetery is registered with the Ohio Department of Commerce, Division of Real Estate and Professional Licensing. Cemetery registration does not apply to or affect a family cemetery or a cemetery in which no interments have occurred during the previous 25 years.

There are three basic types of cemeteries. Cemetery registration affects each type differently:

Political Subdivision/Government: These cemeteries are typically operated by a township or municipality, or a combination of either or both. Although this type of cemetery must be registered, the registration never expires.

Religious/Fraternal/Benevolent: Registration must be renewed every year with the Division of Real Estate and Professional Licensing.

Cemetery Associations or Companies: Registrations for cemeteries operated by corporations or not-for-profit cemetery associations must be renewed every year. At the time of renewal, the cemetery operator is required to complete a form that reports the activity of the Endowment Care Trust and, if applicable, the Preneed Merchandise and Services Trust. The cemetery operator is also required to submit an affidavit acknowledging that these trusts have been established and maintained according to Ohio law.

To find if a cemetery is registered, call the Ohio Department of Commerce, Division of Real Estate & Professional Licensing at (614) 466-4100, or search our website at www.com.ohio.gov/real

What Is An Endowment Care Trust?

If a cemetery association or company sells interment rights, it is required to set aside at least 10% of the gross proceeds from the sale of interment rights into an Endowment Care Trust. Only interest or dividends may be withdrawn for perpetual care of the cemetery. Principal and capital gains must remain intact.

What Is A Preneed Merchandise and Services Trust?

If a cemetery association or company sells outer burial containers, monuments, markers, urns, other merchandise or opening and closing services on a preneed basis, it is required to set aside portions of the money received into a trust until the merchandise or services are needed or delivered.

Who Can Sell Interment Rights?

All cemetery operators must provide a list of persons authorized to sell interment rights to the Division of Real Estate and Professional Licensing. This information constitutes the registration of those persons to sell interment rights.

Ohio Cemetery Dispute Resolution Commission

If you are experiencing a problem with a cemetery, you may file a complaint that will be heard before the Ohio Cemetery Dispute Resolution Commission. The Commission was established and vested with the authority to assist in resolving complaints against registered cemeteries by using informal techniques of mediation, conciliation and persuasion. The Division of Real Estate and Professional Licensing provides administrative services to the Commission.

The nine members of the Commission are made up of seven cemetery operators representing the three types of cemeteries and two members who are representatives of the public with no interest in the death care industry. Commission members are not paid and each is appointed by the Governor.

If you are unable to resolve a problem on your own, call the Division at (614) 466-4100 for a complaint form, or you may download a form from the Division's website at www.com.ohio.gov/real/CeMain.aspx. All complaints must be submitted to the Division in writing on a form that is provided by the Division.

A copy of your complaint will be sent to the cemetery operator for a response. If your complaint is not resolved, you and the operator will receive a notice to appear before the Commission. The Commission has only the authority to make a recommendation on ways to resolve a complaint or to either refer matters to the Ohio Attorney General for possible violations of the Ohio Consumer Sales Practices Act or a local prosecutor for possible violations of certain cemetery laws. Neither the Division nor the Commission is able to provide you with legal advice. You must consult with your own attorney.