



Sunset Review Committee Testimony Cemetery Dispute Resolution Commission

May 21, 2024

Chairman Wilkin and members of the Sunset Review Committee, thank you for the opportunity to present information to you on the Cemetery Dispute Resolution Commission. My name is Daphne Hawk, and I am the Superintendent of the Division of Real Estate and Professional Licensing at the Ohio Department of Commerce.

The Cemetery Dispute Resolution Commission ("Commission") is responsible for registering Ohio cemeteries and assisting in resolving complaints against registered cemeteries through mediation and conciliation. The Commission also funds the Cemetery Grant Program that provides grants to not-for-profit cemeteries to help defray costs of exceptional cemetery maintenance or of training cemetery personnel in the maintenance and operation of cemeteries. In Fiscal Year 2024, \$104,000 was awarded to 45 cemeteries throughout Ohio through the Cemetery Grant Fund.

The Commission is made up of nine members appointed by the Governor with the advice and consent of the Senate. Membership is comprised of one member from the management authority of a municipal, township or union cemetery; four members employed in a management position by a cemetery company or association; two members employed by a cemetery owned by a religious, fraternal, or benevolent society; and two members, at least one of whom shall be 65 years of age, are individuals of the public.

Furthermore, annually three members are elected by the full Commission to serve on the Ohio Crematory Review Board, which hears complaints specific to Ohio crematories and their operations.

Support for the Commission is provided by the Division of Real Estate and Professional Licensing, which includes meeting space, staff services, including mediation and other technical assistance required by the Commission to carry out its duties. The Division has dedicated two full-time staff members to handle the day-to-day administration of the program, registrations and renewals, audits and consumer complaints: a section chief/attorney to provide administrative support, clerical assistance for the day-to-day operations of the registration program and intake of consumer complaints, and an external auditor.

The Commission's workload has increased substantially over time. Over the past five years, the Commission has referred 151 matters to respective county prosecutors for issues such as for trust account violations and failing to be properly registered with the Division or referrals to the Ohio Attorney Generals office for potential violations of the Ohio Consumer Sales Practice

Act. We have also seen the number of complaints filed regarding cemetery operations double over the last five years.

In closing, the Department of Commerce respectfully requests that the Cemetery Dispute Resolution Commission be reauthorized.

Mr. Chairman and members of the committee, thank you for the opportunity to present information on the Cemetery Dispute Resolution Commission, and I would be happy to answer any questions you may have.