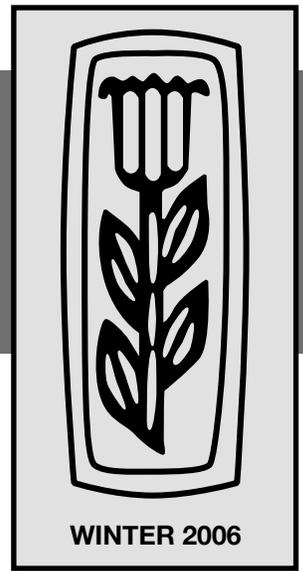


# FCA REPORT



## Stuart Whitney: A Backward Glance

The Rev. Stuart E. Whitney, long time president of the Funeral Consumers Alliance of Greater Kansas City (FCA-GKC), died of cancer in April at his Kansas City home. He was a founder of the reStart Inc. homeless shelter in the early 1980s. When Stuart was pastor of Grand Avenue Temple United Methodist Church, several churches and synagogues joined forces to open the shelter. He served as executive director of the shelter until 2002.

The following are testimonials from friends who have been touched by Stuart's ministries over the years. Some are condolences written to Stuart's wife, Susan Vogel.



*I met Stuart at reStart in 1985. I was homeless and hopeless. Stuart,*

*through reStart, gave me a home, hope and so much more. Stuart just didn't talk about what the Bible said, he lived it. He reached out to the same people Jesus did and showed us that we, too, could rise and walk in the light of God's love. Stuart's caring, compassion, and encouragement touched not just my life, but countless others. He was truly an incredible man.*

**Brenda Garde (Webb City, MO)**



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## A Home Funeral and Burial in a Favorite Spot

– By Steve Nicely

The gradual decline of Mary Frances Waltz from Alzheimer's disease gave her husband, Jim, time to make the necessary funeral



arrangements. He settled on a place he knew she would like. The services and burial took place at the couple's Baldwin, Kansas farmstead.

Mary, born November 8, 1932, died August 4, 2005, at Lakeview Manor nursing facility in Lawrence. Her ashes are buried at Piddler's Point, a name reflecting their favorite spot for "piddling around" at the end of the work day. It was a place to go with a glass of white wine or a beer, to feed the fish in the pond and visit, Jim said.

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# Bev McGill Elected President of FCA-GKC

Bev McGill, an activist most of her life, was elected President of the Funeral Consumers Alliance of Greater Kansas City in October. Bev, 77, lives in Lenexa with her husband, Ron. They have 10 living children, 30 grandchildren and 10 great grandchildren.

The sudden death of their 3-month-old daughter, Mary Kathryn,



in 1952 exposed the McGills for the first time to the funeral industry in Minneapolis. Later, after the family moved to the Kansas City area, the couple

met resistance at a Minneapolis cemetery when they asked to move the baby's remains to Resurrection Cemetery in Lenexa.

"They gave me a terrible run-around," Bev recalled. "I made many calls. Finally they wouldn't even talk to me at the cemetery."

But a call to the Minnesota Board of Mortuary Science melted the resistance. The baby's remains were successfully disinterred and brought to Lenexa in the van of one of her sisters. Bev frequently visits the baby's grave, about a block from her home. Her ritual involves sprinkling glitter on the grave and stating, "I was here and I remember you."

The FCA's mission of educating the public about the funeral industry is a valuable public service, Bev believes. She has been a member of the board since 1995 and served one term on the organization's national board. She said she was inspired by the dedication of the national board members and Josh

Slocum, national executive director.

Bev succeeds Rev. Stuart E. Whitney, who died in April, as president. His death leaves a void

on the board, she said. "We are working hard to fill that void and to continue to provide this most important service."

## NOTES FROM BEV

### FCA President

**INFO:** The Federal Trade Commission has an informative booklet: "Funerals: A Consumer's Guide" which is available at [www.ftc.gov](http://www.ftc.gov) or by calling 1-877-FTC-HELP.

**FREEBIE:** Funeral Consumer Alliance's national office is offering free subscriptions to its newsletter to the first 1,000 people who request it. Send you name, address, and the name of your Affiliate (FCA of Greater Kansas City) to Funeral Consumer Alliance, 33 Patchen Road, South Burlington, VT. 05403 or email [newsletteroffer@funerals.org](mailto:newsletteroffer@funerals.org).

**CLARIFICATION:** Some folks may get confused by the presence of a Newcomer's Funeral Home in Topeka, KS. Although our local Newcomer's facilities are owned by a national conglomerate, Stewart Enterprises, the Topeka location and 19 other Kansas facilities are independently owned by Warren and Theresa Newcomer.

**STRUGGLES:** Efforts to reform the Federal Trade Commission's Funeral Rule are nowhere in sight. Sen. Christopher Dodd and Rep. Mark Foley have introduced bills yearly since 2002 in an effort to turn the Funeral Rule into a law which would cover funeral homes, cemeteries, crematories and third party retailers. We are waiting to see if they will be able to reintroduce this idea again.

**VOLUNTEER OPPORTUNITIES:** If you appreciate the FCA's efforts to educate the public on funeral consumer issues, we would welcome your help. You could bring your fresh ideas and your energy as a member of our board. We also could use assistance exploring grant opportunities for education projects including a new cost comparison survey of funeral homes in Greater Kansas City. Please contact me at 816-561-6322.

**PROJECT IDEAS:** Here is an idea from a caller who was requesting materials on funeral planning. She was assisting her pastor in his efforts to help church members plan final arrangements by sharing Funeral Consumer Alliance information and by accompanying church members to the funeral home if necessary. It is extremely helpful to have an informed third party present when making these plans. This is a valuable service that others may want to replicate in their churches. Another helpful hint is for churches to keep on file copies of members' final arrangement preferences.

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# Theater of the Absurd: State Board Sues Casket Seller for Breaking Nonexistent Laws

– Editorial by Joshua Slocum, Executive Director

*This editorial about proposed changes in Missouri’s funeral regulations appeared in the summer issue of the national Funeral Consumers Alliance newsletter. The Missouri State Board of Embalmers and Funeral Directors held a public hearing on the issue at its December meeting in Kansas City. Two consumer-oriented attorneys from Washington D.C., Clark Neily and Valerie Dayham, protested the proposals. The board was expected to take up the matter again in January.*

The question of who can sell caskets and where families can buy them has become a grand farce way out of proportion to the modest function of these boxes. The Institute for Justice (I.J.), a D.C.-based law firm, is joining the latest battle in Missouri, where a pending case could have serious effects on small businesses as well as the right of families to care for their own dead. Since 2000, I.J. has been calling the bluff of pompous undertakers and cowed legislators

seeking to outlaw casket sales by independent retailers. “Educated” by funeral directors and strangely anti-consumer regulatory agencies, legislatures in several states over the years have restricted casket sales to licensed funeral homes. The rationales for these laws have ranged from the implausible — “we want to protect the public and we only have regulatory power over funeral homes” — to the laughable — “caskets affect the public health and their sale must be strictly monitored.”

After an unprecedented victory overturning a retail sales ban in Tennessee, I.J. and bereaved families suffered a setback at the national level earlier this year. After losing a case against the state of Oklahoma for its third-party sales ban, I.J. appealed to the U.S. Supreme Court. Funeral Consumers Alliance filed a friend-of-the-brief supporting I.J. We’re sorry to say the High Court declined to hear the case, which means Oklahoma’s law stands, for now.

But I.J. is back in the saddle. The

firm is representing Larry Gegner, of Buffalo, Missouri, against the state board of embalmers and what can only be described as a flagrant abuse of power. Gegner has been calling and writing to the FCA national office for at least two years, requesting consumer brochures to hand out and asking for advice on how to fend off funeral directors intent on shutting him down.

He’s reported what sounds like harassment — inspectors from the state board showing up at his booth at the Saturday morning flea market, asking “questions” about his business. A self-described funeral consumer advocate, Gegner says he’s advised many families on their legal right to care for their own dead in Missouri, only to have local funeral homes stop families based on regulations we believe are unenforceable.

The State Board of Embalmers and Funeral Directors served court papers on Gegner on May 25, 2005. The charges? That Gegner sold caskets without a license. The problem? There is no law in Missouri prohibiting that. As I.J. lawyer Clark Neily points out, the law explicitly states that funeral director licensing laws don’t apply to retail sellers.

The Board doesn’t stop there. The motion against Gegner contains a litany of vague accusations that Gegner has “practiced funeral directing” without a license. Under the heading, “Gegner’s Unlicensed Activities,” there’s a laundry list of supposed violations: selling caskets to the public; “consultation” with families about funeral arrangements; transporting dead bodies without a

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## NOTES FROM BEV

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**WE ARE AVAILABLE:** Our volunteers are available to give presentations to civic and church groups. Just give us a call at 816-561-6322.

**PLEAS AND THANK YOUS:** In closing, thank you all for your donations. They enable us to continue printing and mailing our newsletters and brochures. Since we have no paid staff and no office expenses, all your donations are applied toward our educational and advocacy efforts. Please keep us in your charitable thoughts.

# Home Funeral: She Liked to Dance

(continued from Page 1)

It still is. Jim goes there most evenings in his pickup, plays their favorite music on the truck's radio and talks to Mary. The headstone also contains Jim's name and birth date, May 28, 1934. He will be buried there when his time comes.

"This is where she belongs, here with us," he said, "not in some darned cemetery."

Jim figures the total cost for the funeral, wake, urn and headstone was \$2,769. Mary, who paid the bills and kept the books for the couple's business ventures over their 51 years together, would be proud of that thrifty amount, he said.

The funeral service in the Waltz's A-frame home reflected other aspects of Mary's personality including her love of music and dancing. Neon Lights and Sounds, which normally produces disc jockey selections for private parties and karaoke shows in taverns, provided the music. Jim picked six songs: "Proud Mary" by Creedence Clearwater Revival, "Hey There" by Rosemary Clooney, "Strangers in the Night" (Lovers at first sight...) by Frank Sinatra, "If You Don't Know Me by Now" by Harold Melvin, "How Great Thou Art" by Elvis Presley and Sinatra's "I Did It My Way."

Neon Lights and Sounds producer Leonard Courter had never provided music for a funeral before. He took his queues from the Rev. Annie Hedquist, a chaplain for Heart of America Hospice of Topeka.

"It was very tastefully done," Courter said. "Honestly, if I expired today, I would hope my wife would do the same kind of thing for me."

Mary also was an excellent cook, Jim said. The bronze urn containing Mary's ashes rested on the dining room table, the setting of countless

family dinners prepared by Mary. Family photographs surrounded the urn.

Jim rented a podium and 20 folding chairs for the 7 p.m. service, which originally was planned for the grave site, but was moved indoors because of rain. Sofas were moved against the wall and house plants



**Mary Waltz**

went into the bedrooms.

Jim prepared a eulogy, but didn't feel up to delivering it. Rev. Hedquist delivered it for him.

Jim arrived from Indiana for training to become a tower operator at the Olathe Navel Air Station in April, 1954. He met Mary Frances Belz of Raytown that same month at a USO club in Kansas City. It really was love at first sight. They married four months later on August 15.

"Everybody loved Mary," Jim wrote in his eulogy. She was "the most uncontroversial woman I ever knew. However, she had one fault. She was a darned Democrat, and

hated all Republicans with maybe me being the exception." The marriage survived their political division because, Jim wrote, "I kept my mouth shut."

Jim cared for her during most of her illness. The time came when he had to take away her driving privileges. There was a period when she became a front seat driver, giving him all sorts of directions and commands that didn't make sense. Once, when her constant coaching got on his nerves, he tuned the radio to Rush Limbaugh, someone Mary could never abide. She spent the remainder of the trip arguing with Limbaugh.

"When we weep," his eulogy continued, "it is not just in grief. It is also in relief. Mary is not suffering any more and is at peace. Mary is surely in a better place now."

As if on queue, it stopped raining 15 minutes before the end of the service. The packed house filed out to the grave site for burial. Nine helium-filled balloons were released, one for each grandchild. It was 1:30 a.m. when the last of the guests departed. Jim characterized the whole experience as "just awesome."

Jim, a retired FAA air traffic controller, said cremation was the most practical way to handle bodies for home burials. State laws permit the burial of bodies on private property without cremation, but probably not without red tape, he said. The stability of ashes also posed no problem for waiting eight days for the service. The time span was needed for their grandson, PFC Clint Studer, to make it home from duty in Iraq.

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# Home Funeral: Price Quotes Vary Widely

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A third reason favoring cremation is the portability of ashes compared with caskets. Should future owners of the property object to the graves, the three Waltz children would find it easier to move a couple of urns and a headstone than caskets.

Dodds Memorials of Ottawa provided the granite headstone and bronze urn. The \$1,200 cost included engraving, delivery and placing the stone on a concrete base. The company sells 200 to 250 headstones a year, said Sharon Dodds. It was only the fourth or fifth private-property delivery in the firm's 16 years of business, she said. And two of those later were moved to new locations when the owners moved.

Rev. Hedquist said, "It was a wonderful service. I enjoyed it immensely. It was the way I wish we could do them all."

She said she didn't think people had any idea that the state allows home services and burials. Once the body is cremated, she said, "you may do anything with the ashes you wish."

Jim said he thought he was doing okay with his grieving process, which has its ups and downs, but hard part is the loneliness. What they say is true, he said. "You don't realize how much you take for granted when everything is going well. Things like hugs and kisses. You don't realize how much you would miss hugs from a woman."

Jim did not achieve the funeral's economical cost by accepting the first price quotes he got for funeral services. The Lamb-Roberts Funeral Home in Baldwin offered direct cremation services (cremation directly after

death without embalming) for \$3,020. He contacted Bev McGill, president of the Funeral Consumers Alliance of Greater Kansas City. McGill referred him to Kansas City Funeral Directors, a mortuary in Wyandotte County. His bill there was \$1,068 including cremation, \$595; transportation, \$125; death certificates, \$135; a memorial book and keepsake folders, \$60, and newspaper obituary, \$149.

In its 2004 survey of prices at 73 funeral homes in the Kansas City metropolitan area, the Funeral Consumers Alliance found that the



lowest price for direct cremation was \$475 and the highest was \$2,986. The mean average was \$1,492. The Lamb-Roberts Funeral Home in Baldwin was not included in the survey.

## Back to Basics: A Funeral Rule Brush-up

*(The following article is reprinted from the summer newsletter of the national FCA)*

The FTC Funeral Rule gives families important rights when buying funerals. Consumers can use the Rule to control funeral costs and arrange funerals or cremations that are meaningful to them. But to use it, you have to know it. Here are the options and disclosures mortuaries are supposed to provide and to disclose to you on their General Price Lists (GPLs). Unfortunately, cemeteries, crematories and other providers don't really fall under the Rule. We receive many complaints about cemeteries, for example, that don't disclose their prices or misrepresent requirements. **Beware.**

1. You have the right to select only those goods and services you want, unless a law requires any particular purchases.
2. You will be charged a non-declinable fee for the basic services of the funeral director and staff. This is the only fee you cannot decline, unless there are other state-specific legal requirements. Unfortunately, this fee is often inflated to thousands of dollars, and is unconnected to the actual goods and services you choose.

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# Stuart Whitney: A Backward Glance

(continued from Page 1)

*I cannot think of Stuart and not smile. His energy, his wry sense of humor, his sense of compassion, and a little bit of mischief. I came to know him through serving on the board of the Funeral Consumer's Alliance of Greater Kansas City, where Stuart was president for many years and led us through many changes and many adventures in helping to educate the community about final arrangement costs and options. He was a kind and courageous man who was not afraid to use his influence to right society's wrongs. I learned so much from him. It is an honor to call him my friend.*

**Mercedes Bern-Klug  
(Iowa City, IA )**

*Susan -  
If God permits Stuart's's soul  
so newly arrived in eternity  
a momentary backward glance,  
he would surely smile at you  
and send you all his love.  
Your former neighbor,*

**Jeff Schiller (Kansas City, MO)**

*Stuart's legacy of compassion and understanding will live on through the many lives that he touched while on earth. Those of us that had the privilege of knowing him have been both touched and blessed by the experience of his friendship.*

**Brad Stratton (Overland Park, KS)**

*I will miss my wonderful friend Stuart Whitney. Stuart was always there when I needed him. He would always take the time to sit and talk*

*with me before we started our days work at reStart. He had faith in me even when I didn't have it myself. I loved him as Ba Ba the clown and will always remember Stuart and Susan doing the Creation at Grand Ave. Temple UMC*

*God bless you Stuart and thank you for being part of my life.*

**Dick Carter (Humansville, MO)**

Stuart served as chairman of

*our FCA-GKC board for many years. It's hard to list all the things Stuart meant to me as well as our organization. I remember how he kept trying to continue his involvement, not only with our organization, but also with his many other community responsibilities, in spite of his declining health. Even near the end of his life, he shared his views when I had questions. His impact on the community, as well as the lives of those who knew him, will be felt for years to come.*

**Bev McGill, FCA-GKC president**

*A huge thank you to Steve Nicely for his help with the newsletter. Steve is a former writer for the Kansas City Star, now retired. It was only because of Steve's help that the newsletter became a reality.*

## Back to Basics: A Funeral Rule Brush-up

(continued from Page 5)

3. Embalming is not required by law, except in certain special cases. Only two states that we know of — Minnesota and New Hampshire — require embalming for public viewing under any circumstances. Some states do not require it at all. Of those that do, most consider refrigeration an acceptable alternative if the body is not buried or cremated within a short time. Unfortunately, funeral homes are allowed to require embalming for public viewing, though this is “necessary” only because morticians prefer it to other alternatives. You do not have to pay for embalming if you did not authorize it.
4. Aside from the non-declinable fee, you can choose — or decline — any of the services or goods the funeral home offers. The FTC requires funeral homes to list the following 16 items on their GPLs (if they are services the funeral home usually offers):
  - Transfer of remains to funeral home
  - Basic services of funeral director and staff
  - Embalming
  - Other body preparation
  - Forwarding remains to another funeral home
  - Receiving remains from another funeral home
  - Facilities and staff for viewing
  - Facilities and staff for funeral ceremony
  - Facilities and staff for memorial service

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# Theater of the Absurd: State Board Sues Casket Seller

(continued from Page 3)

license; “making arrangements” with families.

The Board seems to be saying Gegner can’t even speak to families about funeral matters without a license. In its reply motion, I.J. defends Gegner on First Amendment grounds, noting that disseminating truthful information to families is a constitutional right. Gegner claims he’s never transported bodies for families, and I.J. says that even if he did, he has a right to do so because he’s not doing it for pay.



The State Board of Embalmers is relying on regulations that are self-serving at best, and probably invalid. Section 23 of the MO funeral regulations states:

*No dead human body shall be buried, interred, cremated . . . unless the burial, interment, cremation, removal or other authorized disposition is performed under the direction of a Missouri licensed funeral establishment . . .*

So families are required by regulation to employ a funeral director, even if they don’t want to?

Not according to I.J. The Institute’s brief states, “The regulations promulgated by the Missouri Board of Embalmers and Funeral Directors exceed the statutory authority granted to the Board, and are, therefore, invalid . . .”

After Gegner reported to me that some funeral directors were using the regulations to stop families from performing their own funerals, I did some research. I couldn’t find any law empowering the Board of Embalmers to govern non-funeral directors. So, I called Sharon Euler, Assistant Attorney General and general counsel to the Board.

She told me the Board’s authority over private citizens was “minimal.” If the board really wanted to stop a family-run funeral, she said, it would have to go to court to seek an injunction against the family by showing the family was endangering the public welfare.

“This is probably outside the Board’s authority,” she said.

I.J.’s Clark Neily issued this statement about the case:

“The Institute for Justice is all too familiar with the efforts of the funeral industry to seek protectionist legislation giving them the exclusive right to sell caskets to the public. I.J. will vigorously resist that attempt. We will also resist the Board’s attempt to prevent anyone from exercising his First Amendment right to speak with others about their rights as funeral customers and their ability to engage in private home burials.”

Using profit-serving regulations as a cudgel against small businesses and families trying to care for their own dead is not just unseemly, it’s downright un-American. The next time the funeral industry complains about critics giving it a black eye, it might consider the whopping shiner it’s been giving itself.

## FCA-GKC Board

Bev McGill .....	President
Pam Thomas, Ph.D.....	Secretary/Treasurer
Nancy Trout.....	Community Outreach
Hope Grunt.....	Assistant Treasurer
Carol Allen, RN.....	Board Member
Mary Bradley, MSW .....	Board Member
Rev. Paul Budd.....	Board Member
Glen Crowther, Advisor .....	Board Member
Ruth Crowther .....	Board Member
R. Diane Hall .....	Board Member
Marj Swomley .....	Board Member

# Area funeral price surveys are available

Copies of our **Funeral Price Survey: 2004** are available upon request. The 32-page report contains the itemized prices of services offered by the 73 funeral homes listed in the Yellow Pages of Greater Kansas City. The survey, conducted by former FCA-GKC board member Mercedes Bern-Klug, is not for sale. It is offered with the request of a tax-deductible donation to help support our work. We simply feel strongly that all persons and families facing final arrangement decisions should have access to consumer-oriented information. For your copy, contact FCA-GKC by mail at 4501 Walnut, Kansas City, MO., 64111 or by phone at 816-561-6322.

**We plan to conduct another price survey in the fall of 2006. We are looking for volunteers to help with the project. Please consider helping with this important function of the Funeral Consumers Alliance.** ☼

**Funeral Consumers Alliance  
of Greater Kansas City**  
4501 Walnut Street  
Kansas City, MO 64111

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[www.funerals.org/KansasCity](http://www.funerals.org/KansasCity)

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## Back to Basics: A Funeral Rule Brush-up

(continued from Page 6)

- Equipment and staff for graveside service
- Hearse
- Limousine
- Direct (simple) cremation
- Immediate (simple) burial
- Price range for caskets
- Price range for outer burial containers (vaults)
- You have the right to build or bring in a casket from another vendor. Funeral homes may not refuse an outside casket, nor may they charge you an additional "handling fee."
- You do not have to purchase a casket for cremation. You may choose a simple "alternative container" or cardboard or wood instead.

### **IMPORTANT!**

- You do not have to purchase a package of goods and services, although funeral homes may offer packages. Mortuaries must allow you to choose item by item.

Hopefully, the Funeral Rule will be expanded to cover cemeteries, crematories, and third-party vendors in the future.