



The Winter 2009

# Director

ARKANSAS FUNERAL DIRECTORS ASSOCIATION

**MESSAGE FROM THE PRESIDENT**

Bruce Smithson



Dear AFDA Members,

I want to give all of you a special invitation to our upcoming Arkansas Funeral Directors Association State Convention on May 17-19 at the Hilton Little Rock Metro Center.

It was the decision of the board this year to forgo the bi-state convention format with Louisiana in order to keep the convention in Arkansas. We did this for two reasons – the state of the economy, and we hoped that it would cause more folks from Arkansas to attend.

I want you to consider helping us make this a successful convention by signing your firm up to attend this year. We try hard to make our meetings fun as well as educational – and I think we've been

successful at doing just that. You will be receiving information soon on the event opportunities, including sessions by leading speakers and education-related exhibits. Our convention offers a great way to earn your continuing education credits for the year.

It was also the thinking of the board that having it in May might be better, since it possibly would take place before vacation time for most of our members.

Our meetings provide a great chance to network with colleagues and share stories and experiences. In fact, networking is one of the main reasons many members like to attend. With that in mind, our AFDA staff places great importance on allowing you time at our meetings to connect with the people and resources you need to develop relation-

*(Continued on Page 2)*

**AFDA**  
Mission  
Statement

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excellence  
in service for  
funeral  
professionals.

1020 W. Fourth St., Ste. 400  
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## Arkansas House Approves HB 1409

### *AFDA-Supported Legislation Now Moves to State Senate*

**By Bill Booker**

*Policy Board Representative*

The AFDA-supported bill to add much more precise language to the Arkansas law dealing with who has the authority to be in charge of funeral/cremation services for deceased persons is making its way through the legislature.

The bill (House Bill 1409), introduced a couple of weeks ago, was passed unanimously by the Public Health Committee in the House and was passed by the complete House 97-1 last Thursday.

The bill is currently in the Public Health Committee of the Senate and scheduled to be discussed on Wednesday (March 4). Please contact your senator and let them know that you support this bill. Your help will be greatly appreciated.

As you may be aware, this bill was recommended by NFDA General Counsel Scott Gilligan after Scott had reviewed the current Arkansas law. Scott spoke to us last year in Branson at our Two-State Convention and commented to many of us that he was surprised at how our current law was so non-specific. At our membership meeting following Scott's presentation, a resolution was adopted to follow up with Scott and the legislature to see if we might improve our law.

I want to thank those of you who have contacted your legislator as I have heard comments from several members of the legislature that they have heard good things about this bill. Please feel free to contact me with any questions that you may have at 800-467-8140, extension 146, or [bookerb@rollerfuneralhomes.com](mailto:bookerb@rollerfuneralhomes.com).

***(Please see the description of this bill on Page 6.)***

# Want More Market Share For Your Funeral Home?

By Scott DeMenter

Want more market share for your funeral home? Small market share is only a symptom, not the disease.

And the cure to the disease presents us with that terrifying mirror so few funeral home owners are willing to look into: "Why aren't more customers choosing my funeral home?" If you're brave enough to face that *Mirror, Mirror, On the Wall*, I've got some questions about why your market share is not the fairest of them all:

## Is it because they don't know about your funeral home?

To increase your presence in the community, invest your money in better advertising and public relations. Determine how many people you can afford to reach properly and then make these people your own. The goal of your marketing communications

should be to help your funeral home become the one more people immediately think of when the need for funeral services arise. But the secret is to deliver a message that accomplishes three key objectives:

- Communicates your dramatic difference from the competition (you do have one, right?).
- Explains the overt benefit created by this difference (you have this memorized as part of your elevator speech, right?).
- Gives people a reason to believe your message (you can prove your claim, right?).

I know ... this is easier said than done. But just how badly do you want to increase market share?

## Is it because they do know about your funeral home?

Ouch. I apologize if that question poked you in the ribs. Like most business owners, you're not



ready to hear that some aspects of your funeral home may have become irrelevant. But when you're offering services people no longer want, products they don't feel they need, and an experience they don't value, no amount of clever advertising can overcome it.

Has the time come to reinvent your funeral home? Are you more focused on what you're prepared to sell than what people want to buy? Just because funeral homes are in an "evergreen" industry does not mean it isn't an evolving industry. It is.

## Is it because they only think they know about your funeral home?

In this case, you need to look objectively at what you intended to communicate vs. what you're actually communicating. For instance, if your ads say "caring and attentive service," but phone calls often go to voice mail or are not immediately returned, what are you really communicating? And if your ads talk more about yourselves than the needs of families, how "compassionate" do you really appear?

Remember: It's not what you say, it's what people hear. But don't give up. Why? Allow me to share a common saying from my world: "In the marketing game, the days are tough, the nights are long and the work is emotionally demanding. But it's worth it because the rewards are shallow, transparent and meaningless."

**At the end of the day, marketing** is just marketing. But what you do as a funeral home owner is much more. The services you provide are important. And it has real meaning. The better positioned your funeral home is to be the provider of choice for these services in your community, the bigger the role you play in something truly important.

(Scott DeMenter is the founder of [www.Six-Feet-Above.com](http://www.Six-Feet-Above.com), which offers funeral home marketing wisdom. You can e-mail him at [Head-Honcho@Six-Feet-Above.com](mailto:Head-Honcho@Six-Feet-Above.com).)

## President's Message

### (Continued From Page 1)

ships to benefit you and your business. This includes ample time to spend with our exhibitors, who, by the way, help defray the cost of the meeting with their sponsorships and participation.

We will also be keeping our program compressed to allow free time to visit some of Little Rock's top attractions, such as the Clinton Presidential Library, Heifer International Headquarters and the Arkansas Arts Center, as well as shopping opportunities. Our hotel is conveniently located near Park

Plaza Mall and the new Midtowne retail corridor. This center includes shops like Pottery Barn, Williams-Sonoma, Lewis and Clark, the Container Store and Ann Taylor Loft.

A lot of us remember when the convention was the place to be, to mingle with colleagues from across our state. It is our hope that you will help us get to that place again by attending this year's convention.

Thanking you in advance,

Bruce Smithson  
AFDA President

## At NFDA's Advocacy Summit

# Officials Will Address 'Known Shipper' Policy

Funeral directors throughout the country are expressing concerns about the Transportation Security Administration's (TSA) policies concerning the shipment of human remains by air cargo.

These policies and other significant issues impacting the funeral service profession will be the focus of the 2009 National Funeral Directors Association's Advocacy Summit, March 30-April 1, at the Renaissance Mayflower Hotel in Washington, D.C.

Within the past few weeks, funeral directors throughout the country have been contacted by cargo shippers about becoming a "known shipper." A recent congressional mandate requires the TSA to enforce an existing policy, effective July 1, concerning all human remains shipments originating in the U.S. or its territories, which must now be tendered by a "known shipper."

**This policy requires funeral homes** to register as a "known shipper" for each airline they use to ship bodies, and might require both a facility inspection and payment of a fee.

Given the significance of this enforcement action and how profoundly it's affecting funeral homes across the country, NFDA invited an official from the TSA to address NFDA Advocacy Summit attendees and discuss how the "known shipper" database works. Joining this TSA official will be Dave Brooks, president of American Airlines' Cargo Division, who will discuss how airlines are implementing the "known shipper" policy and the steps funeral homes must take to remain in compliance.

The TSA official will also provide an overview of new security regulations for the shipment of human remains, which will go into effect in September. The new program involves a more thorough screening of the shipping container and casket for explosives.

**"The 'known shipper' policy and the new security regulations will have a significant impact on the nation's funeral homes,"** said John Fitch Jr., NFDA's senior vice president of Advocacy. "Many funeral directors have told us the requirements of the 'known shipper' policy create a significant administrative burden and could prove costly. The new screening requirements could create concerns about the respectful handling and shipment of human remains. We hope that fu-

neral directors walk away from this year's Advocacy Summit armed with the information they need to comply with federal regulations and ensure the dignity of those they serve."

In addition to this timely discussion, Paul S. Sledzik, MS, manager of victim recovery and identification with the National Transportation Safety Board (NTSB), will discuss the process NTSB follows when recovering victims of transportation disasters, such as plane crashes, and how his office works with funeral directors to ensure the respectful handling of human remains.

**Congressman Charlie Wilson, D-Ohio**, a funeral director and NFDA member, will also share his perspective on legislative and regulatory issues impacting funeral service.

The heart of the NFDA Advocacy Summit is the time NFDA members spend meeting with their congressional representatives on Capitol Hill, discussing issues of critical importance to

the profession.

Among the key issues NFDA members will discuss with their elected officials this year: Protecting prearrangement opportunities for the families they serve by codifying the SSI/Medicaid exclusion for irrevocable funeral trusts; easing the tax burden through the reduction or elimination of the federal estate tax; and increasing affordable healthcare options for small business.

**"No amount of lobbying has the impact of when NFDA members meet face-to-face with their senators and representatives,"** Fitch said. "The more voices we have in Washington, D.C., representing funeral service at the Advocacy Summit, the greater opportunity we have to move our issues forward for the benefit of funeral professionals and the families they serve."

The registration fee for the Advocacy Summit is \$60 for NFDA members and \$160 for nonmembers. More information and registration details can be obtained from the NFDA Web site, [www.nfda.org](http://www.nfda.org) or by calling 800-228-6332.

Attendees who plan to stay at the Renaissance Mayflower Hotel must make their reservations by Feb. 27 to lock in the reduced NFDA rate of \$304 (plus tax) per night. Hotel reservations can be made by calling 202-766-9251 (ask to be placed in the NFDA room block).

The Advocacy Summit is generously supported by Batesville Casket Company and Messenger.

***"No amount of lobbying has the impact of when NFDA members meet face-to-face with their senators and representatives."***

— John Fitch

# 2008-09 AFDA Board & Staff

## Evaluation Guidelines Released For Preneed Trusts and Insurers

NFDA has released guidelines to help funeral directors evaluate the financial stability of companies that provide trust and insurance products to individuals who wish to prepay for their funeral or burial expenses. The guidelines are part of the association's *Preneed With Integrity™* initiative. The goal of *Preneed With Integrity™* is to raise the bar on ethics and professional practices in the arena of advance funeral planning.

NFDA President John Reed said, "As funeral directors, it's our responsibility to research and evaluate the financial strength and business practices of any preneed trust or insurance company whose products and services we are considering to make available to the families we serve."

**The guidelines for evaluating preneed trusts** encourage funeral directors to have a complete understanding of the state laws that govern preneed trust agreements, including trusting requirements and the percent of trust funds that must be deposited. The guidelines also suggest that funeral directors ask trust administrators for detailed information about the trust and its operations, its management history, and current performance and business practices.

According to the guidelines, funeral directors should look for trusts that offer good net investment growth, complete investment and financials transparency, and a strong balance sheet.

When evaluating preneed insurers, funeral directors should check with the department of insurance in their state for information about laws and regulations that govern preneed insurance agreements, to determine if the insurer is licensed, and to check the insurer's complaint record. The guidelines recommend asking the insurer for detailed information about its balance sheet strength, operating performance, business profile and practices, management history and compliance with all laws and regulations, and checking with a rating service for a third-party evaluation of an insurer's financial strength.

**The guidelines state that insurers** should have a good investment portfolio mix, investment quality, a good total return on the investment portfolio and a strong balance sheet.

NFDA's "Guidelines for Evaluating Preneed Trusts" and "Guidelines for Evaluating Preneed Insurers" are available to members free of charge through the association's FaxBack system. The system can be accessed by visiting [www.nfda.org/faxback.php](http://www.nfda.org/faxback.php). NFDA members that need assistance navigating the FaxBack system should call their personal NFDA member services representative at 800-228-6332.

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## Family Business Conference Set

Registration is open for NFDA's 2009 Family Business Conference, which is set for April 6-7 at the Thunderbird School of Global Management in Phoenix, Ariz. Those looking to ensure the success of their family-owned funeral home, such as owners, next-generation staff members, CEOs and managers, are encouraged to attend this executive-level conference.

Visit the NFDA Web site at [www.nfda.org](http://www.nfda.org) for details.

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# TECH BITS

**By Gregg Marshall**

More than 100 million hard drives fail every year. I've had my share, including one last Christmas Eve. When was the last time you backed up your notebook? Your home desktop? Your work PC?

Many 500 gigabyte external USB drives are selling for \$99 to \$129 on sale, and that's enough to back up a notebook and most people's desktop.

My favorite backup software is CMS Products' BounceBack Professional (\$79, [www.cmsproducts.com](http://www.cmsproducts.com)). While Windows has a built-in backup program, BB Pro can create a backup drive that can be simply installed to replace a failed drive (obviously you can't put a 3.5-inch hard drive into a notebook).

What I *really* like about BB Pro is it's the ultimate "nagware." You tell it how often you want to back up and it will nag you to plug in that external drive and do your backups. So really, when was the last time you backed up?

## **Finding Deals**

ITA Software's site is good for finding a good airfare, so what about hotels and rental cars? Which site has the best "deals"?

One way to make sure you get a good deal is to check several sites. That takes time. Another option is Kayak ([www.kayak.com](http://www.kayak.com)). It is a meta-search engine, which means it searches other sites and presents all the results in one place. When you click on the deal you like you are taken to the best site to book it. Travel is expensive; saving money on it goes to your bottom line (or stays in your pocket).

## **Web Site Finder**

About 90 percent of what I need to know I can

find with Google. And more and more great information is on Wikipedia. What about business information?

CEO Express ([www.ceoexpress.com/default.asp](http://www.ceoexpress.com/default.asp)) is a portal of links to other business information Web sites. Almost any resource you might think of is on that one main page. A premium version (currently \$29 a year) allows you to customize your home page.

Even if you think you know where to go, check this out. I've discovered new resources just scanning the lists of options. It's like having a business Web librarian make you a list of sites you should visit. Knowledge is power, here's a jump start.

## **Set Up Meetings**

So you need to have a meeting or conference call with 10 people. The e-mails start. Who is available when? Is this option or the other better for most people? If everyone is hitting reply all, then hundreds of e-mails could be generated. What a pain!

There are Web-based alternatives ([www.setameeting.com](http://www.setameeting.com) or [whenisgood.net](http://whenisgood.net)). You log in, set the parameters of options for when to meet, and the e-mail addresses of who is attending. They get an e-mail with a link to a custom preference page. They give their preferences; the Web site keeps track of the "votes." When everyone is done (or as many as you want), you take the best option and send out the invite. So is next Tuesday at 9 a.m. good for you?

*(Gregg Marshall, CPMR, CSP, is a speaker, author and consultant. He can be reached by e-mail at [gmarshall@reconnection.com](mailto:gmarshall@reconnection.com), or visit his Web site, [www.reconnection.com](http://www.reconnection.com).)*

## REMINDER

**All issues of The Director will be distributed via e-mail. Please be sure that the AFDA office has your CURRENT E-MAIL address and the address of anyone on your staff who would like to receive a copy.**

## **Are You Displaying the Correct Labor Department Posters?**

The Department of Labor (DOL) recently issued amended regulations for the Family and Medical Leave Act (FMLA), and the DOL's Wage and Hour Division has issued a new FMLA poster that reflects these changes. Employers with 50 or more employees must post the new FMLA poster, along with five other federally required posters.

If you need a new FMLA poster – or any other posters required by the DOL, SESCO Management Consultants, NFDA's endorsed human resources consultants, can help; you can order the required posters through their Web site – go to [sescomgt.com](http://sescomgt.com) and then click on publications.

SESCO ensures that the federal and state posters it provides are current and reflect any recent changes to employment laws and regulations. If you have any questions about what posters you are required to post, call NFDA's HR Hotline, staffed by SESCO experts, at 800-764-4127.

# Right of Disposition Law for Arkansas

House Bill 1409 establishes the priority among survivors of a deceased person relating to the right to control the disposition of his/her remains, the location, manner and conditions of disposition, and arrangements for funeral goods and services.

In general, the order of priority is: (1) the deceased person if he/she made prior arrangements; (2) surviving spouse; (3) a majority of surviving children; (4) surviving parents; (5) surviving siblings; (6) surviving grandparents; (7) surviving grandchildren; (8) the guardian before death; (9) the next closest relative; (10) the responsible governmental authority; or (11) any other willing person. The person who agrees to pay for the funeral services is given no higher priority.

The bill provides that a person's place in the line of priority is lost if the person is criminally charged with the decedent's death. It also deprives priority to any person who does not exercise the right within two (2) days or who is unwilling to exercise the right.

**It also denies control over disposition** to a person who is estranged from the decedent at the time of death. (In this bill "Estranged" is defined as: a physical and emotional separation from the decedent at the time of death which has existed for a period of time that clearly demonstrates an absence of due affection, trust and regard for the decedent.)

If there is a dispute about the disposition between people of equal priority the funeral director or any of the disputing parties can ask a circuit court to resolve who has control over the remains. In the event of a dispute regarding the right of disposition, a funeral director is not liable for refusing to accept the remains or to inter or otherwise dispose of the remains of the decedent or complete the arrangements for the final disposition of the remains until

the funeral director receives a court order or other written agreement signed by the parties in the disagreement that decides the final disposition of the remains. If the funeral director retains the remains for final disposition while the parties are in disagreement, the funeral director may embalm or refrigerate and shelter the body, or both, in order to preserve it while awaiting the final decision of the circuit court and may add the cost of embalming and refrigeration and sheltering to the final disposition costs.

**If a funeral director brings an action** under this section, the funeral director may add the legal fees and court costs associated with a petition under this section to the cost of final disposition. This provision does not require a duty upon a funeral director to bring a court action to resolve a dispute among persons claiming the remains. A funeral director may not be held criminally or civilly liable for choosing not to bring an action under this bill.

In this bill, a funeral director will have complete authority to control the final disposition and to proceed to recover reasonable charges for the final disposition under the following conditions:

***If there is a dispute about the disposition between people of equal priority the funeral director or any of the disputing parties can ask a circuit court to resolve who has control over the remains.***

If the funeral director has actual knowledge that none of the persons on priority list exist or that none of them can be found after reasonable inquiry or contacted by reasonable

means; and no one has assumed responsibility for disposition of the remains within five (5) days of the decedent's death, or within thirty-six (36) hours after having been given written notice of the facts, whichever is longer.

If a funeral director cremates the remains as provided in this bill and no one claims the remains, the funeral director may dispose of the remains after ninety (90) days without civil or criminal liability.

**Finally, no funeral home, cemetery, crematory** or their employees who relies in good faith upon the instructions of an individual claiming the right of disposition, will be subject to criminal or civil liability or subject to disciplinary action for carrying out the disposition of the remains in accordance with the instructions.

**PLANS ARE BEING FINALIZED FOR THE AFDA STATE CONVENTION, WHICH WILL BE HELD MAY 17-19 AT THE HILTON LITTLE ROCK METRO CENTER. WATCH YOUR MAIL FOR DETAILS AND REGISTRATION MATERIALS.**

## BACK TALK

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**"If this recession continues, we're going to see a ripple in a few years - perhaps in 2015 - of people dying without having made plans."**

— David Farris, Jr., a fourth-generation funeral director in southwest Virginia, who said advance business for cemetery plots in Forest Hills Memorial Park in Abingdon was off 60 percent in January from the same month a year earlier.

**"THE THING OUR KIDS HUNGER AND THIRST FOR IS OUR TIME."**

— PHILIP RIVERS, SAN DIEGO CHARGERS QUARTERBACK AND FATHER OF FOUR, ON HIS ADVICE FOR FATHERS.

"I will not spend a single penny for the purpose of rewarding a single Wall Street executive, but I will do whatever it takes to help the small business that can't pay its workers or the family that has saved and still can't get a mortgage."

— President Obama, addressing a joint session of Congress.

"Lately I am beginning to wonder if, in our troubled times, being in a Senate — any Senate — actually *is* hell."

— New York Times Op-Ed Columnist Gail Collins.

**"I knew we weren't taking Tic Tacs."**

-- Alex Rodriguez, of the New York Yankees, on his use of banned drugs.

**"I'm optimistic this package of tax cuts and job-creating investments will help stop the bleeding and provide a path toward economic recovery."**

— **Senator Mark Pryor**, who joined fellow **Arkansas Senator Blanche Lincoln** in supporting **President Obama's** massive \$787 billion package to revive the economy.

**MARK YOUR CALENDAR!**

**ARKANSAS FUNERAL DIRECTORS ASSOCIATION**

# State Convention

**MAY 17-19, 2009**

**HILTON LITTLE ROCK METRO CENTER**

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