

Schwantes, Mary

From: crevassesimplecremation@gmail.com on behalf of Julie Bishop
<julie@crevassesimplecremation.com>
Sent: Tuesday, August 07, 2018 11:19 AM
To: Schwantes, Mary
Subject: Workshop Topics

Mary,

Thank you so much for organizing these workshops. I have attached my suggested topics and verbiage for a few items in regards to the direct disposers.

Suggested statute changes:

497.606 -Cinerator facility

9. (h) a cinerator facility may provide an identification and/or witness cremation of a deceased as long as it is contracted with a funeral home or direct disposer establishment.

497.005-Definitions

“Identification” the act of looking at a deceased body to prove identity.

497.171 -Identification of human remains

1. (e) An identification of the deceased may be done at a funeral home or cinerator facility only.

497.601 -Direct Disposition; duties

1. (f) contract with cinerator facility for cremation, identification and/or witness cremation.

Thanks again,

--

Julie Bishop Henderson

Crevasse's Simple Cremation

Our Family Helping Your Family

Gainesville*Jacksonville*Ocala

352-379-3779

Schwantes, Mary

From: Finocchiaro, Joseph <jfinocch@mdc.edu>
Sent: Tuesday, August 07, 2018 5:40 PM
To: Schwantes, Mary
Subject: Written Comments for Statute Review

Director Schwantes,

Per the Division's request for written comments I'm offering the following:

1. Permit students to begin their internships while they are in schools for combination funeral director/embalmer interns.
 - a. Supporting:
 - i. This is already available to FD only candidates with a pre-existing degree.
 - ii. In Calendar year 2018, the American Board of Funeral Service Education reports that of the 1646 graduates of mortuary science in the only 88 were the age of 20 or below. 576 were aged 21-25 and 357 were aged 26-30. This is nearly 57% of the total number of graduations. If the goal was to ensure that students right out of high school were not walking into a license and had some experience first, those students are not coming to mortuary school. 341 of the 1646 had no more than a HS diploma/GED as highest level of education when entering mortuary school. 789 entered their program with up to 2 years of college completed.
2. If combination intern candidates cannot start while in school then the combination intern license should require completion of the NBE scores at time of application.
 - a. Supporting:
 - i. National Board Exam candidates are capable of self registering for the exam upon completion of degree or the school can register them. Logically, the only exam they should be concerned with at the start of their internship is the Florida Laws and Rules examination to full licensure.
3. The name 'internship' should be changed to 'externship' since the time required is completed after their college education if it cannot be done while in school. If this is not satisfactory, then perhaps 'residency' is an alternative term that is appropriate and in current use in several states.

Thank you for the consideration.

Warm Regards,

Joseph Finocchiaro, CFSP
Program Coordinator
Funeral Service Education Program
Miami Dade College
North Campus
11380 NW 27th Ave,
Miami FL 33167
305-237-1782
jfinocch@mdc.edu

"We keep moving forward, opening new doors, and doing new things, because we're curious and curiosity keeps leading us down new paths." – Walt Disney

Please Note: Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.



Please consider the environment before printing this e-mail

Schwantes, Mary

From: David Menneke <david@floridafamilycremations.com>
Sent: Monday, August 13, 2018 12:00 PM
To: Schwantes, Mary
Subject: Sept 12th Public Workshop Agenda
Attachments: Workshop Tampa Sept 12.docx

Hello Mary,

It was a pleasure to meet you at the CANA conference and learn about the Sept 12 conference. I have attached some written comments that I would like to see on the workshop agenda for discussion. Thank you very much, I look forward to the conference in September.

David Menneke



David Menneke
Florida Family Cremations, Inc.
P) 727 223-5911, F) 727 223-8905
C) 727 902-1761
David@FloridaFamilyCremations.com
WWW.FloridaFamilyCremations.com

Death Notice Memorial Service

Does it not help the families of the deceased to have the location of the memorial service listed in the death notice regardless if the disposition is done by a direct disposer establishment or a funeral home? The memorial cannot be held at the DDE, cannot be organized by the DDE but why can't the DDE help all family members and friends by listing the location of the memorial service on the death notice in the newspaper? How does that hurt anybody? Isn't it our job to help families? Let us help them.

Viewings & Identifications

Why can a DD or a funeral director acting as a DD not have a viewing? If funeral homes can have viewings or identifications with un-embalmed bodies, why can a DDE not? A funeral director in a funeral home can have a viewing but not a FD in a DDE. How is that equitable?

If a family would like to see the deceased one more time before the cremation takes place why would we ever deny them from saying good bye one last time just because they chose to business with a DDE over a funeral establishment? Why not offer our families as much time as needed to say goodbye to their loved one at the place of cremation?

Can it be clarified if a DDE can have a witness Cremation? It is the same argument, why would we deny a family confirmation their loved is being cremated just because they chose to do business with a DDE over a funeral home? DDE's have FD's to supervise the witness cremation, let them supervise. There could be a situation where a FDIC at a DDE can't have a viewing or witness cremation because they are employed at a DDE, but the very same FD while employed at a funeral home at the same time, could supervise a viewing or witness cremation. This is confusing to the family. Let's do our part to help the families grieve the loss of their loved ones by updating or eliminating the DDE restrictions.

Schwantes, Mary

From: Politano, Donald <Donald.Politano@Sci-us.com>
Sent: Monday, August 13, 2018 12:09 PM
To: Schwantes, Mary
Subject: Workshop - Tampa

Hello Mrs. Schwantes,

I had some topics I would like to see addressed.

1. Direct Disposers and Identification Views- ability to conduct (not a service)
2. Deceased that are brought into our care and either there is no family to authorize cremation, abandonment, or indigent

I appreciate your consideration in advance.

Thank you.

Don

Don Politano
Regional Director
SCI Direct Inc.
1250 S. Pine Island Rd, Suite 500
Plantation, FL 33324
E: donald.politano@sci-us.com
P: 954.556.9481 | C: 561.809.8761



Schwantes, Mary

From: Coney, Lisa <Lisa.Coney@Dignitymemorial.com>
Sent: Tuesday, August 14, 2018 5:42 PM
To: Schwantes, Mary
Subject: Public Workshop

I wanted to let you know that given the conversation and the clarity provided at the previous workshop, I would withdraw 497.280 as being of interest to me.

I appreciate the opportunity to participate and add fodder for consideration as the workshops continue, but do not anticipate having a new list for the Tampa agenda. I hope we continue to explore the items of particular concern like the burdensome FDIC restrictions, the opportunities to streamline endorsement applications and eliminate the cap on transfer fees, looking at exempt cemeteries standards and unregulated entities that could have an impact on our consumers among the many other items we discussed.

I know you have a full agenda and a full plate and I appreciate your efforts to get as much information as possible before time for bill drafting. I look forward to seeing you in Tampa and of course I am available anytime if I can provide any assistance.

All the best,

Lisa Coney

SCI Funeral Services of Florida, Inc.
994 E. Altamonte Drive
Altamonte Springs, FL 32701
407-636-1995 M
407-740-7000 Ext 1
855-520-9906 Efax



Celebrating Life with
Dedication, Excellence, Innovation



Schwantes, Mary

From: Bill Williams <Bill.Williams@fsitrust.com>
Sent: Tuesday, August 14, 2018 3:55 PM
To: Schwantes, Mary
Cc: Wendy Russell Wiener; Coney, Lisa
Subject: FW: Deadline for Written Comments - September 12, 2018 Public Workshop to Discuss Legislation on Chapter 497, Florida Statutes
Attachments: 497 Changes.docx

Dear Mary,

My written comments from the previous workshop are attached. Please don't hesitate to contact me if you have any questions or concerns about any of the content.

Thanks in advance,

Bill Williams, Jr.
Funeral Services, Inc. (FSI)

From: Bryant, LaTonya <LaTonya.Bryant@myfloridacfo.com>
Sent: Tuesday, August 7, 2018 4:30 PM
Subject: Deadline for Written Comments - September 12, 2018 Public Workshop to Discuss Legislation on Chapter 497, Florida Statutes

We appreciate the discussion held with those who attended the August 2, 2018, "Public Workshop to Discuss Matters Regarding Chapter 497, Florida Statutes," which was held in Tallahassee. The next Public Workshop will be held on [September 12, 2018, from 1:00 – 5:00 p.m. at the following location:](#)

**Hillsborough County Center
Board Room, 2nd Floor
601 E Kennedy Boulevard
Tampa, Florida 33602**

*During the recent workshop, a number of attendees expressed interest in submitting written comments on items which were discussed and/or topics which they would like to see addressed at the upcoming public workshops. [For this reason, we are accepting written comments regarding discussion topics through close of business on Thursday, August 16, 2018.](#) Please direct your written comments, if any, **via email** to the attention of Mary Schwantes, Division Director at: mary.schwantes@myfloridacfo.com. All written comments received will be placed on the September 12th Public Workshop Agenda, to allow time for open discussion of items.*

If you have any questions regarding these matters, please contact Ms. Schwantes at 850/413-3039.

Thanks,

LaTonya Bryant

Administrative Assistant III

Office of Chief Financial Officer Jimmy Patronis

Florida Department of Financial Services

Division of Funeral, Cemetery, and Consumer Services

111 W Madison Street, Suite 336E, Tallahassee, FL

MAILING: 200 E Gaines Street, Tallahassee, FL 32399-0361

(850)413-4957 / (850)413-4958 FAX

LaTonya.Bryant@myfloridacfo.com

Subscribe to Weekly Rundown, CFO Patronis' weekly newsletter



Please note that Florida has a broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

497.005 Definitions.—As used in this chapter, the term:

- (10) "Capital gain" or "capital loss" means a change in the value of a capital asset, such as investment or real estate, as of a specific date, which gives the asset a different worth than the purchase price. The gain or loss is not realized until the asset is sold.
- (34) "Fair market value" means the ~~fair market~~ value of assets held by a trust as of a specific date, assuming all assets of the trust are sold on that specific date.
- (42) "Income" means, in relation to a trust, any earnings on trust assets, including interest and dividends received on property derived from the use of the trust principal, but does not include capital gains or capital losses. ~~means earnings on trust assets, including interest, dividends, and other income earned on the principal.~~
- ~~(50) "Net assets" means the amount by which the total assets of a licensee, excluding goodwill, franchises, customer lists, patents, trademarks, and receivables from or advances to officers, directors, employees, salespersons, and affiliated companies, exceed total liabilities of the licensee. For purposes of this definition, the term "total liabilities" does not include the capital stock, paid-in capital, or retained earnings of the licensee.~~
- (51) "Net income" means, in relation to a trust, ordinary income ~~income~~ minus any income distributions for items such as trust expenses. ~~For purposes of this subsection, "ordinary income" means, in relation to a trust, any earnings on trust assets, including interest and dividends received on property derived from the use of the trust principal, but does not include capital gains or capital losses.~~
- (52) "Net worth" means total assets minus total liabilities pursuant to generally accepted accounting principles.
- (63) "Principal" means in relation to:
(a) Ownership of an entity licensed by this chapter, and includes the sole proprietor of a sole proprietorship; all partners of a partnership; all members of a limited liability company; regarding a corporation, all directors and officers, and all stockholders controlling more than 10 percent of the voting stock; and all other persons who can exercise control over the person or entity.
(b) A trust, an amount as required by this chapter to be deposited into any trust account as required by this chapter, to include any changes as a result of realized Capital Gains or Losses.
- ~~(75) "Statutory accounting" means generally accepted accounting principles, except as modified by this chapter.~~

Commented [BWj1]: Not used anywhere in Chapter 497.

Formatted: Indent: First line: 0"

Commented [BWj2]: Not used anywhere within Chapter 497.

497.456 Preneed Funeral Contract Consumer Protection Trust Fund.—

- (6) Upon the commencement of a delinquency proceeding pursuant to this chapter against a preneed licensee, the licensing authority may use up to 50 percent of the ~~balance~~ fair market value of the trust fund not already committed to a prior delinquency proceeding for the purpose of establishing a receivership and providing restitution to preneed contract purchasers and their estates due to a preneed licensee's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal amount by reason of cancellation thereof. The balance of the trust fund shall be determined as of the date of the delinquency proceeding.
- (7) In any situation in which a delinquency proceeding has not commenced, the licensing authority may, in its discretion, use the trust fund for the purpose of providing restitution to any consumer, owner, or beneficiary of a preneed contract or similar regulated arrangement under this chapter entered into after June 30, 1977. If, after investigation, the licensing authority determines that a preneed licensee has breached a preneed contract by failing to provide benefits or an appropriate refund, or that a provider, who is a former preneed licensee or an establishment which has been regulated under this chapter, has sold a preneed contract and has failed to fulfill the arrangement or provide the appropriate refund, and such preneed licensee or provider does not provide or does not possess

adequate funds to provide appropriate refunds, payments from the trust fund may be authorized by the licensing authority. In considering whether payments shall be made or when considering who will be responsible for such payments, the licensing authority shall consider whether the preneed licensee or previous provider has been acquired by a successor who is or should be responsible for the liabilities of the defaulting entity. With respect to preneed contracts funded by life insurance, payments from the fund shall be made: if the insurer is insolvent, but only to the extent that funds are not available through the liquidation proceeding of the insurer; or if the preneed licensee is unable to perform under the contract and the insurance proceeds are not sufficient to cover the cost of the merchandise and services contracted for. In no event shall the licensing authority approve payments in excess of the insurance policy limits unless it determines that at the time of sale of the preneed contract, the insurance policy would have paid for the services and merchandise contracted for. Such monetary relief shall be in an amount as the licensing authority may determine and shall be payable in such manner and upon such conditions and terms as the licensing authority may prescribe. However, with respect to preneed contracts to be funded pursuant to s. 497.458, s. 497.459, or s. 497.462, any restitution made pursuant to this subsection may not exceed, as to any single contract or arrangement, the lesser of the gross amount paid under the contract or 4 percent of the uncommitted assets-fair market value of the trust fund. With respect to preneed contracts funded by life insurance policies, any restitution may not exceed, as to any single contract or arrangement, the lesser of the face amount of the policy, the actual cost of the arrangement contracted for, or 4 percent of the uncommitted assets-fair market value of the trust fund. The total of all restitutions made to all applicants under this subsection in a single fiscal year may not exceed the greater of 30 percent of the uncommitted assets-fair market value of the trust fund as of the end of the most recent fiscal year or \$120,000. The department may use moneys in the trust fund to contract with independent vendors pursuant to chapter 287 to administer the requirements of this subsection.

~~(11) No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement which uses the existence of the Preneed Funeral Contract Consumer Protection Trust Fund for the purpose of sales, solicitation, or inducement to purchase any form of preneed contract covered under this chapter.~~

497.458 Disposition of proceeds received on contracts.—

- (1)(c) Such deposits shall be made within 30 days after the end of the calendar month in which payment is received, under the terms of a revocable trust instrument entered into with a national or state trust company ~~operating pursuant to chapter 660, with~~ a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers.

497.459 Cancellation of, or default on, preneed contracts.—

(2) CANCELLATION BY PURCHASER AFTER 30 DAYS.—

- (a) A purchaser, by providing written notice to the preneed licensee, may cancel the services, facilities, and cash advance items portions of a preneed contract at any time, and shall be entitled to a full refund of the purchase price allocable to such items. Any accumulated earnings allocable to such preneed contract shall be paid to the preneed licensee upon such cancellation.
- (b) Subject to subparagraphs 1. and 2., a purchaser may cancel the merchandise portion of a preneed contract by providing written notice to the preneed licensee, and shall be entitled to a full refund of

the purchase price allocable to the specific item or items of merchandise that the preneed licensee cannot or does not deliver in accordance with this subsection.

1. Such refund shall be provided only if at the time that the preneed licensee is required to fulfill its obligations under the preneed contract the preneed licensee does not or cannot comply with the terms of the contract by actually delivering the merchandise, within a reasonable time, depending upon the nature of the merchandise purchased, after having been requested to do so.
2. In order to fulfill its obligations under the preneed contract, a preneed licensee may elect either or both of the following options:
 - a. Subcontract with a person located outside the preneed licensee's market area to provide the merchandise; or
 - b. Provide other items of equal or greater quality.
3. If the purchaser refuses acceptance of the merchandise under (2)(b)2.a. or (2)(b)2.b. above, the preneed licensee may cancel each item of merchandise refused by the purchaser on the preneed contract and withdraw and retain from trust the fair market value allocated to each such refused merchandise item.

497.464 Alternative preneed contracts.—

- (2) The contract must require that a trust be established by the preneed licensee on behalf of, and for the use, benefit, and protection of, the purchaser and that the trustee must be a national or state trust company ~~operating pursuant to chapter 660~~, a national or state bank holding trust powers, or a federal or state savings and loan association holding trust powers.
- (3) ~~The contract must require that the purchaser make all payments required by the contract directly to the trustee or its qualified servicing agent, subject to the terms of a trust instrument approved by the licensing authority.~~ The licensing authority may adopt rules establishing procedures and forms for the submission of trust instruments for approval by the licensing authority, establishing criteria for the approval of such trust instruments, and specifying information required to be provided by the applicant in connection with submission of a trust instrument for approval. A copy of the trust instrument shall be made available to the purchaser, at any reasonable time, upon request.
- (5) The trust instrument shall prohibit the trustee from distributing any portion of the pro rata fair market value of a preneed contract appreciation on the trust to any person or entity, and shall require that the trustee accumulate the entire net income of the trust, or its pro rata share thereof. The accumulated net income shall be distributed to the preneed licensee upon cancellation or performance of the contract, except for the portion, in whole or part, that has been fulfilled, cancelled or defaulted.

Schwantes, Mary

From: Don Ray <donrayoffice@comcast.net>
Sent: Thursday, August 16, 2018 2:03 PM
To: Schwantes, Mary
Cc: Simon, Ellen M
Subject: FMBA Comments following the August 2, 2018 Public Workshop
Attachments: Letter to Mary Schwantes Regarding Public Workshops 180816.pdf

Hi Mary:

Please see the attached written comments from the Florida Monument Builders Association.

Thank you, the Division and the CFO staff for holding these workshops. We plan on having someone to represent the FMBA at the Tampa and Miami Workshops.

Best Regards,

Don Ray



Don Ray
Donald G Ray & Associates
337 Hunters Crossing
Tallahassee, FL 32312
(O) 850-385-7790
(M) 850-294-3757



FLORIDA MONUMENT BUILDERS ASSOCIATION

August 14, 2018

Mary Schwantes
Division Director
Florida Funeral Cemetery and Consumer Services
200 East Gaines Street
Tallahassee, FL. 32399-0361

RE: Public Workshops To Discuss Matters Regarding Chapter 497, Florida Statutes

Dear Ms. Schwantes:

Thank you for the opportunity to provide the following written comments.

1. **RE: SCI/Dignity Memorial Legislative Proposal** (August 2, 2018 Workshop Meeting)

SCI (Houston, Texas) and their Florida affiliates, Dignity Memorial Funeral Homes and Cemeteries, have proposed the deletion of Section 497.280 Illegal tying arrangements.

To understand the Laws of Florida on this subject, it is important to trace the Legislature's enactment of these statutes. In 1978 the Florida Legislature enacted Chapter 78-407. It reads;

Section 559.405 Cemetery companies: authorized functions.— Each licensed cemetery company is authorized to perform within the boundaries of the cemetery lands it controls the following functions:

- (1) The exclusive care and maintenance of the cemetery.
- (2) The exclusive interment, entombment, or inurnment of the human dead, including the exclusive right to open, prepare for interment, and close all ground, mausoleum, and urn burials.
- (3) The exclusive initial pre-need and at-need sale of interment or burial rights in earth interment, mausoleum or crypt interment, and niche or columbarium interment; provided another herein shall limit the right of a person owning interment or burial rights to sell such rights to third parties subject to the transfer of title by the cemetery company.
- (4) The authority to promulgate bylaws regulating the activities conducted within the boundaries, provided that no funeral director licensed under chapter 470 shall be denied access to any cemetery to conduct a funeral for or supervise a disinterment of human remains. All bylaws provide for herein shall be subject to the approval of the department under the provision of chapter 120 prior to final agency action by the department upon any proposed bylaws or amendments to bylaws.

FMBA • 337 Hunters Crossing • Tallahassee, FL. 32312 • 850-385-7790 • donrayoffice@comcast.net



FLORIDA MONUMENT BUILDERS ASSOCIATION

(5) The nonexclusive pre-need and at-need sale of monuments, memorials, markers burial vaults, urns flower vases, floral arrangements, and other similar merchandise for use within the cemetery. (*underlined emphasized*)

(6) The nonexclusive cremation of human remains, subject to provisions of s. 470.10(9). (*underlined emphasized*)

Commenting on the above, one must assume the Legislature adopted this language to avoid violating the federal antitrust laws relating to "forced buying arrangements" and it is important to note that the enactment of these "nonexclusive" provisions occurred prior to the formation of the Florida Monument Builders Association or the statutory licensing of monument establishment companies.

Two years later (1980), the Legislature passed another bill adding clarity to subsection 559.405 (5) and (6): Chapter 80-238 includes a new Section 559.305 Purpose and Section 559.409 Illegal tying arrangements. Each section adds clarity to the Legislature's intent to protect the citizens of the State of Florida. They read:

Section 559.305 Purpose – The Legislature recognizes that purchasers of preneed burial rights or cemetery merchandise may suffer serious economic harm if purchase money is not set aside for future use as intended by the purchaser and that the failure to maintain cemetery ground properly may cause significant emotional stress. Therefore, it is necessary in the interest of the public welfare to regulate cemetery companies in this state. However, restrictions shall be imposed only to the extent necessary to protect the public from significant or discernible harm or damage and not in a manner which will unreasonably affect the competitive market. (*underlined emphasized*) **Note:** The underlined language has remained in the Florida Statutes for the last 38 years.

Section 559.409 Illegal tying arrangements –

(1) No person authorized to sell grave space shall tie the purchase of any grave space to the purchase of a marker or monument from or through the seller or any other designated person or corporation.

(2) No program offering free burial rights shall be conditioned by any requirement to purchase additional burial rights or merchandise. Any program offering free burial rights shall comply with s. 817.415. (*underlined emphasized*) **Note:** the underlined language has remained in the Florida Statutes for the last 38 years.

Twenty-four years later (2004), the Legislature passed a massive rewrite of the Funeral and Cemetery laws by combining Chapters 470 (the regulation of funeral homes) and Chapter 497 (the regulation of cemeteries, monument establishments, cinerator facilities, direct disposers, as well as expanding the Board of Funeral, Cemetery and Consumer Services to create a monument establishment seat on the Board). This new law, chapter 2004-301, made history again by expanding the Chief Financial Officer's



FLORIDA MONUMENT BUILDERS ASSOCIATION

(CFO) authority to inform the regulatory board of any unreasonable restrictions that affect competition. The 1980 language on "Purpose and intent" (497.002) remained the same; The language of Illegal tying arrangement (497.280) remained the same; However, for the first time the Legislature added a new provision (497(4)(a) that directs the Chief Financial Officer to make recommendations to the Funeral Cemetery and Consumer Services Board on matters relating to:

1. Protecting the public from any significant and discernible harm or damage.
2. Preventing the unreasonable restriction of competition or the availability of professional services in the state or in a significant part of the state. (*Underlined emphasized*)
3. Preventing the unnecessary increase in cost of professional services without a corresponding or equivalent public benefit.

In summary, the Legislature has spoken consistently since 1978. And the Legislature's message to the consumer and to the licensees is that there is no daylight between eliminating competition or permitting illegal tying arrangements. Full Stop!

Therefore, the Florida Monument Builders Association is opposed to the recommendation of SCI and its Florida Dignity Memorial Cemeteries to limit competition, deny consumer choice and remove licensed monument establishments companies from the free enterprise system. We urge the Chief Financial Officer and the Division of Funeral Cemetery and Consumer Services to support the continuation of 497(4)(a)2, and 497.280 that guarantees the consumer the dignity of choice.

2. FMBA Recommendation: Uniformity of Written Monument Sales Agreements for Funeral Homes and Cemeteries, both pre-need and at-need.

In 2006 the Florida Monument Builders worked hand in hand with the Division Director (Diana Evans) to draft Rule 69K-12.005 Requirements for Monument Establishment Retail Sales Agreements. This was done in the spirit of then Senator Ken Pruitt, the senate sponsor of the 2004 rewrite of Chapter 497 (Chapter 2004-301). Senator Pruitt and former Representative Don Brown (the House bill sponsor) are the ones who created a monument establishment seat on the Board as well as calling for the "full disclosure" of purchased goods on monument sales contracts so the consumer would always know what they had purchased. (Prior to Chapter 2004-301 and Rule 69K-12.005, the consumer had no definitive way of challenging the monument seller on what was ultimately installed).

Therefore, in the spirit of current law, as well as Chapter 78-407 and Chapter 80-238, we urge the CFO and the Division to recommend statutory language that will require all licensees to fully disclose to the consumer what they purchased and what was installed. The contract of full disclosure as contained in Rule 69K-12.005. Nothing more and nothing less!



FLORIDA MONUMENT BUILDERS ASSOCIATION

3. **FMBA Recommendation: That the Division of Funeral Cemetery and Consumer Services and the FCCS Rules Committee adopt "minimum standards for access to all cemeteries" as required in Chapter 2004-301 and as currently written in Section 497.555 Required rules.**

This rule is 12 years overdue! It would standardize the process, it would drastically improve communications between the cemeteries and monument establishment companies, it would save everyone a lot of time and it would eliminate any mischief to "hard time" monument establishment companies who sell to families that own existing burial plots in those cemeteries.

In summary, it is one thing to license and regulate the industry, but ultimately the Legislature, The Chief Financial Officer and the Division of Funeral Cemetery and Consumer Services must protect the consumer.

Respectfully Submitted,

Don Ray
FMBA Executive Director

cc: Jimmy Patronis, Chief Financial Officer of the State of Florida

Schwantes, Mary

From: Bryant, LaTonya
Sent: Thursday, August 16, 2018 3:16 PM
To: Schwantes, Mary
Subject: FW: Written Comments for 9/12 Public Workshop
Attachments: Written Comments.docx

Importance: High

Thanks,
LaTonya Bryant

Please note that Florida has a broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

From: Sarah Breuilly [mailto:sarah@baldwincremation.com]
Sent: Thursday, August 16, 2018 3:02 PM
To: Bryant, LaTonya <LaTonya.Bryant@myfloridacfo.com>
Subject: Written Comments for 9/12 Public Workshop

Hi LaTonya!

Baldwin Brothers Comments are attached. Thank you and we will see you on the 9/12!

NOTICE: This e-mail message and all attachments transmitted with it may contain LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please return to sender and delete this message and all copies and backups thereof.

Baldwin Brothers Funeral & Cremation Services

Written Comments for Public Workshop to Discuss Matters Regarding Chapter 497, Florida Statutes – September 12th, 2018

Bodies Handled Reports – Baldwin Brothers is in support of the elimination of the Bodies Handled Reports and have all interested parties rely on the Electronic Death Registry System for the information formerly placed on the Bodies Handled Reports .

Direct Disposer Licensing / Unlicensed Activities – Baldwin Brothers believes Florida is a progressive state and one which is very likely to see the number of direct cremations grow significantly over the next two decades. Our current law was written in anticipation of this development and direct disposer establishments serve the purpose of providing an alternative to traditional funeral homes to acquire these services. If there are operators of direct disposer establishments who are operating outside the current laws then those laws should be enforced until modified through legislative action.

Body Donation / Body Brokers- Baldwin Brothers believes this virtually unregulated, large industry must be regulated to be sure reasonable standards are established and maintained. These regulations should include, at the very least, strict disclosure requirements informing the general public as well as their clients exactly what could, can, and likely will happen to their loved one's remains and what actually did happen to their loved one's remains while in the possession of the body brokers.

HIV / Communicable Disease Elimination of Training Requirement – Baldwin Brothers is supportive of the elimination of the acronym "HIV" .

Licensing Cinerator Operators – Baldwin Brothers is opposed to the licensing of crematory operators. We are unaware of any problems arising from improperly trained crematory operators since the law was changed to eliminate licensure.

Funeral Director In Charge Location Requirements – Baldwin Brothers supports a change of the FDIC requirement from overseeing a single licensed establishment to overseeing eight licensed establishments including up to one licensed embalming facility and up to two licensed cinerator facilities. We also believe the eight licensed establishments under a single FDIC's supervision should not be more than 100 miles from one another.

Schwantes, Mary

From: Corinne Mixon <corinne@rutledge-ecenia.com>
Sent: Monday, August 20, 2018 3:11 PM
To: Schwantes, Mary
Subject: Items for upcoming workshop

Good afternoon.

Please see the below comments from the Association of the Independent Funeral Directors of Florida for discussion at the September 12th workshop.

Thank you.

Corinne

--

Direct Disposers: Florida is the only state offering a dedicated Direct Disposer license. The legislature created the license in an effort to provide a lower cost alternative to funeral home services. Since that time, the cost of cremations by funeral homes and direct disposer establishments have become competitive and the selection of cremations has risen sharply. It is no longer necessary to license new direct disposers. Direct disposers are on the verge of providing similar services to funeral homes (viewings, memorials, etc.). As a result, we would support eliminating direct disposer and direct disposal establishment licenses, but allowing currently licensed operators to be "grandfathered in."

Body Brokers: There is inadequate oversight or regulation of non-transplant body procurement organizations. There is also inadequate disclosure to the public about what happens to their deceased loved one, practice standards, tracking of body parts and return of body parts for cremation. We support the idea of strengthening these standards.

HIV/Communicable Disease Continuing Education Requirements: Since the passage of this requirement, universal precautions have been instituted across the industry and are taught in mortuary school. Doctors and medical staff are no longer required to take a separate course. We believe this requirement is redundant and should be eliminated from license renewal requirements.

Limited license for insurance funded preneed: The current licensing requirements for selling insurance funded preneed requires the funeral director or sales agent to take a course in life insurance and annuities which is outside the scope of preneed funded preneed contracts. We support a limited insurance license that covers only preneed contracts funded by insurance.

Merchandise trusting: We oppose any changes to trusting requirements that would weaken consumer protections by reducing the amount of money placed in trust for preneed contracts under the guise of streamlining merchandise funding.

FDIC for licensed establishments: We support maintaining an FDIC for each funeral establishment location. If consideration of one FDIC to cover multiple locations is given, a limit to the number of locations covered and the distance between furthest locations (rather than a central point) as well as time/distance to travel should be considered.

--

A. Corinne Mixon

Government Consultant, Rutledge-Ecenia

corinne@rutledge-ecenia.com

(850) 681-6788 – office

(850) 766-5795 – cell

(850) 681-6515 – fax

www.rutledge-ecenia.com

Schwantes, Mary

From: Keenan Knopke <kknopke@curlewhills.com>
Sent: Tuesday, August 21, 2018 3:55 PM
To: Schwantes, Mary
Subject: Cemetery registration
Attachments: 20180821152342936.pdf

Mary,

Attached is a copy of 497.287 referring to exempt cemeteries over 5 acres being required to register with the department every 5 years. I believe the language "in excess of" was a bill drafting mistake that was never discovered because know one in the industry cared about these cemeteries. As I recall this was a Department issue at the time. As you will see I have suggest a language change that I think will give you the authority to require all cemeteries to at least register with the department.

Questions?

Keenan

(8) The proceeds derived from any sale shall be disbursed in the following manner: an amount specified in s. 497.268 shall be deposited to the cemetery care and maintenance trust fund; an amount equal to the cemetery company's actual and necessary costs incurred pursuant to this section but not to exceed 10 percent of the selling price of the abandoned burial right shall be deposited to the cemetery company's operating account; and the balance of the proceeds shall be deposited with the department within 20 days after receipt of said funds. The department shall deposit all funds received pursuant to this subsection in accordance with the provisions of s. 717.123.

(9) Persons or their heirs who were owners of burial rights which were sold under this section shall have the right at any time to obtain equivalent burial rights in the cemetery without further charge. If no burial rights are desired, such persons or their heirs may obtain the amount paid to the department in accordance with the provisions of s. 717.124.

(10) The cemetery shall set aside equivalent burial rights equal to 10 percent of the abandoned burial rights sold under this section for the exclusive use of persons or their heirs who were owners of burial rights which were sold under this section, who have the right at any time to obtain equivalent burial rights in the cemetery under this section.

(11) Persons who purchase burial rights at a sale pursuant to this section shall have the right to sell, alienate, or otherwise transfer said burial rights subject to and in accordance with the rules and regulations of the cemetery and payment of a reasonable transfer fee.

History.—ss. 2, 4, ch. 87-39; s. 1, ch. 89-8; ss. 86, 122, ch. 93-399; s. 43, ch. 2000-154; s. 7, ch. 2001-120; s. 67, ch. 2004-301.

Note.—Former s. 497.091; s. 497.353.

497.287 Report of identification of exempt cemeteries.—

(1) All cemeteries in excess of 5 acres located in this state that are exempt from the provisions of this chapter shall be required to file a report of identification with the department and pay a \$25 fee. The department shall maintain such reports as public records. Such report of identification shall be refiled every 5 years pursuant to a schedule set by board rule. Solely for purposes of chapter 120, such report of identification shall be considered a license with the department.

(2) The report shall be submitted on a form and pursuant to procedures specified by rule, and shall list the name and address of the authorized agent who is responsible for conducting the business of the cemetery and to whom inquiries about the cemetery can be directed.

(3) The department may institute proceedings in any appropriate court for injunctive relief to enforce this section. Upon issuance of an injunctive order, the court shall award the department its costs and attorney fees in the action.

History.—s. 87, ch. 93-399; s. 17, ch. 96-400; s. 68, ch. 2004-301.

Note.—Former s. 497.357.

Part III- Funeral Directing, Embalming, and Related Services

497.365 Licensure; inactive and delinquent status.—

(1) This section shall apply only to licenses issued under this part. A licensee may practice a profession or occupation regulated under this part only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this chapter, and the licensing authority may impose discipline on the licensee.

(2) Pursuant to procedures specified by rule, a licensee shall be permitted to choose, at the time of licensure renewal, an active or inactive status. However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.

(3) There shall be imposed pursuant to rule a fee for an inactive status license which is no greater than the fee for an active status license.

(4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the licensing authority, and meets all continuing education requirements as specified in this section.

Date Received: 8/23/2018 (hand delivered)

Sender: Association of Independent Funeral Directors of Florida/Juhan Mixon

- Issue #1: Body donations; provided copies of the following articles:
 - “Body donation: Frequently asked questions,”
<https://www.reuters.com/investigates/special-report/usa-bodies-qanda/>
 - “The Body Trade: Cashing in on the donated dead,”
<https://www.reuters.com/investigates/special-report/usa-bodies-qanda/>
 - “FBI says funeral home may have given son fake cremains of his father, sold body,”
https://www.cleveland.com/metro/index.ssf/2018/08/fbi_says_funeral_home_may_have_given_son_fake_cremains_of_his_father_sold_body.html
 - “Body part ‘brokers’ work in a climate with little regulation,”
<http://www.azfamily.com/story/38106998/body-part-brokers-work-in-a-climate-with-little-regulation>
 - “Body Brokers,” <https://www.nytimes.com/2006/03/26/books/chapters/ody-brokers.html>
 - “The Body Trade: How an American company made a fortune selling bodies donated to science,” <https://www.reuters.com/investigates/special-report/usa-bodies-science/>
 - “The Body Trade: A business where human bodies were butchered, packaged and sold,” <https://www.reuters.com/investigates/special-report/usa-bodies-business>
 - “The Body Trade: In a warehouse of horrors, body broker allegedly kept human heads stacked on his shelves,” <https://www.reuters.com/investigates/special-report/usa-bodies-rathburn/>



INVESTIGATES



Body donation: Frequently asked questions

By JOHN SHIFFMAN and BRIAN GROW | Filed Oct. 24, 2017, 11 a.m. GMT

Q: What is whole-body donation?

A: Most people are buried or cremated when they die. But some bodies are donated “to science,” usually for medical research or education. In most cases, whole-body donations must be authorized by the donor prior to death or, after death, by relatives.

Q: Where do donated bodies go?

A: In most states, there are three choices: donate to a university, to a state agency or to a non-transplant tissue bank, which includes brokers who sell the bodies. The brokers make money by providing bodies and dissected parts to companies and institutions that use them for training, education and research.

RELATED CONTENT



INVESTIGATES



The Body Trade

Cashing in on the
donated dead

Q: Why would a donor choose a body broker over a university or the state?

A: One reason is cost. Brokers often offer donors to pick up the body and transport and cremate it for free in return for body donation. That saves relatives several hundred dollars. Another reason is marketing. Brokers advertise online and work with funeral homes, hospitals, nursing homes and hospices to solicit bodies from the dying and their families. Most university and state-run anatomy programs do not solicit aggressively, and many will not accept bodies of donors who were obese or suffering from certain diseases.

Q: What are my options if I want to donate my body but not be part of this industry?

A: There are more than 100 body donation programs operated by state agencies or medical schools. A state-by-state list of such programs, including phone numbers, has been posted by the Anatomical Board of the State of Florida on its website:

<http://anatbd.acb.med.ufl.edu/usprograms/>

Q: Is whole body donation the same thing as organ donation?

A: No. There's a big difference. Organ donation involves the transplant of hearts, livers and other vital organs to save or improve the life of another human being. With whole body donation, body parts are not transplanted into other humans, but instead used to study diseases, develop new medical devices and train surgeons.



INVESTIGATES

monitored, Reuters found that only 10 states regulate body brokers, and only a handful of those closely inspect them.

Q: What is the Uniform Anatomical Gift Act, or UAGA? Doesn't it regulate body brokers?

A: Not really. The UAGA is a model law principally focused on who can donate a body or an organ for transplant purposes, and which organizations can receive these gifts. This could include body brokers. It was written by a commission and then adopted by state legislatures - sometimes with amendments specific to the state. Although some brokers and health officials often cite the UAGA as an oversight tool, this can be misleading. Most state anatomical gift laws largely regulate just one side of the process - how a body may be donated. Most do not address what happens next, such as how brokers dissect, handle and ship the parts; the prices they set on human remains; whom they sell them to; how the parts are used by buyers; and the rights of donors and kin.

Q: So it's legal to sell whole bodies and their parts, even heads and limbs?

A: It's illegal to sell human fetuses. Otherwise, yes: In almost every state, it's legal to sell the human remains of adults. One misconception promoted by some brokers is that it is illegal to sell body parts and that people who distribute them may only be reimbursed for processing, shipping and other expenses. In most states, such laws only apply to transplant organs, such as hearts and kidneys, and to tissue, such as skin and bone. But in almost every state, these laws do not apply to whole cadavers or to parts, such as torsos, shoulders and heads. Reuters found that some brokers conflate rules for transplant organs with those for non-transplant body parts in order to create the impression that they do not profit from body donations.

Q: Can a broker rent the same body or body part repeatedly to different customers?

A: Yes. For example, a torso might be rented to one medical group for training, returned, and then rented again to another set of doctors.

Q: Is it legal to sell your own body to science?

A: Legal experts disagree. Some lawyers contend that it is not possible. That's because a person's property rights to his or her body cease at death. But others note that a person who donates a body to science may receive a free cremation in return, which could be construed as a form of payment. What's not disputed: Federal law clearly prohibits the sale of one's own organs and tissue for transplantation.



INVESTIGATES

match inventory with research needs.

Editor's note: This story was updated on Oct. 27, 2017, to add address a question from readers about the options available to people who want to make a body donation.

The Body Trade

By John Shiffman and Brian Grow

Illustrations: Jeong Suh

Edited by Blake Morrison



Follow Reuters Investigates  

OTHER REUTERS INVESTIGATIONS

METRO NEWS

FBI says funeral home may have given son fake cremains of his father, sold body

Updated Aug 20;
Posted Aug 19

24

84
shares

By Michael Sangiacomo, The Plain Dealer,
msangiacomo@plaind.com

CLEVELAND, Ohio - Ivan Markovic thought the death of his ailing, elderly father meant the hardest part of their ordeal was over. Then the FBI called.

Out of the blue, on July 1, the FBI called to tell him that his father's body had not been cremated by a Colorado funeral home as he had thought, he said. Instead, they told him that it may have been sold by "body broker" and shipped to an undisclosed location.

They asked him to turn over the ashes that the funeral home had given him for testing to determine if they were from something other than human.



The FBI confirmed that it is testing what Markovic believed were his father's cremains, along with those from about 50 others as a part of an investigation into the Sunset Mesa funeral home. The same people own and operate Donor Services and a crematory, all on the same piece of property in Montrose, Colo. All the businesses are now closed.

The FBI offered little other information.

It is not illegal to sell body parts, though such sales could only be done with the permission of the family of the person, or by the person before death, according to a spokesman for the National Funeral Director's Association.

Markovic said the FBI told him Donor Services sold body parts for medical and educational research. A single body could yield thousands of dollars if sold in pieces, according to numerous sources, including Angela McArthur, director of body donations at the University of Minnesota Medical School.

"I just can't believe this is happening," said Markovic, 58, who lived in Northeast Ohio most of his life, as did his parents. "Anyone who would do this to people is a monster that we need to be protected from. I don't know how to prevent people from being bad, but if they are caught they should be punished criminally."



Gojko "George" Markovic was 87 when he died on March 11, 2016. He had been living at the Colorow Nursing Home in Olathe, Colo., along with his wife, Slavka "Sylvia" Markovic, 92. She died on July 5, shortly after Ivan Markovic arrived in Colorado with the ashes that he had believed were his father's.

Markovic and his parents emigrated to the United States from the former Yugoslavia in 1969. All three became naturalized citizens of the United States in 1974.

FBI testing cremains

FBI began investigating after several people came forward with suspicions that ashes they were given by the Sunset Mesa funeral home were not the cremains of their loved ones, according to Reuters, The Denver Post and other news reports.

One woman told the Colorado Office of Funeral Home and Crematory Registration she was suspicious when the cremated remains of a loved one seemed light for the persons size and weight. She had the cremains analyzed and the analysis found pieces of a watch, rivets and parts of a metal zipper. She said when the body was turned over, it wore only pajamas and had no metal of it, according to a complaint filed by the state office of funeral home and crematory registration.



1 

The news of the case was broken by **Reuters News Service** and the **Denver Post** newspaper.

Reuters, which wrote a series on body selling, reported that Donor Services offered a price list to medical training laboratories for body parts: torsos for \$1,000 each, heads for \$500 and a foot for \$125. The news service said the prices were listed on the company's website, which has since been taken down.

It is highly unusual to have a donor service operations run together by funeral home owners, according to the National Funeral Director's Association. But, the association says, it is not illegal.

No charges have been filed in the case against the owner of the funeral home and crematory, Megan Hess. Hess could not be reached for comment.

In addition to the 50 sets of ashes that included Markovic's, Colorado Mesa University told The Plain Dealer it is testing another 109 cremains to "ease the concerns" of people who used Sunset Mesa for funeral services.

The university tests will only determine if the ashes came from bones or some other material; it cannot distinguish if the bones are from a human or an animal. Testing to determine DNA of the ashes would be very difficult and expensive.

State suspends funeral home license

1



The Sunset Funeral Home's license to operate was suspended in February by the Colorado Division of Professions and Occupations based on their findings that included providing false cremains to families, who had the cremains tested and found they were not human.

According to a filing at the Colorado Office of Administrative Courts, in 2014 a family became suspicious of cremains of a loved one handled by Sunset Mesa. According to the report of the suspension, the family had the cremains analyzed and was told the ashes were concrete. A year later a second family had cremains of a loved one analyzed and were also found to be concrete, the report said.

The report noted other reasons for the suspension of the funeral home and crematorium's licenses included the information that five people were cremated without a permit.

Also, the state report said the funeral home did not have a registered, qualified person in charge. When Hess purchased the funeral home and crematory in 2011, former owner Greg Huffer was listed as the person registered by the state to perform funeral home and crematory operation.

Since the sale to Hess, there was no qualified person designated by the state to run the funeral home and crematory, according to the complaint filed by the state.

1 

A complaint against the funeral home and the crematory filed by the Colorado Office of Administrative Court, said the owners "engaged in numerous incidents of willfully dishonest conduct or committed negligence in the practice of embalming, funeral directing, or providing for final disposition that defrauds or causes injury."

Reeves and Baskerville funeral home owner Matt Baskerville owner of the Reeves and Baskerville funeral home in Wilmington, Ill., speaking on behalf of the National Funeral Directors Association, said he was shocked at the story.

"It's disheartening to hear this, it puts a black mark on all of us," he said. "Most organizations that deal with this kind of donations are not for profit, making enough just to keep it going. I've never heard of anything like this."

Markovic didn't know his father had died

Markovic said he was not contacted about his father's death and only learned of it when a friend saw the obituary in a newspaper. "There was not even a funeral," Markovic said. "They (the Sunset Mesa funeral home) did not even want to give me my father's ashes. I insisted, and they finally allowed me to pick them up."



For much of the past two years, Markovic has been moving back and forth from Ohio to Colorado, he lived in Bath and Hinckley during that time. He and his family lived in the Cleveland area, including Lakewood, North Olmsted and Hinckley, for 38 years.

He said once he was given the ashes, he kept them in his truck so he could feel close to his father while on the road in his job setting up computer systems for businesses.

"Of course, I assumed they were my father's remains," he said. "One day, I took them to a cemetery in Mansfield where my father's mother is buried. I buried some of the ashes on her grave and kept the rest with me."



1 

Use of and/or registration on any portion of this site constitutes acceptance of our **User Agreement** (updated 5/25/18) and **Privacy Policy and Cookie Statement** (updated 5/25/18).

© 2018 Advance Local Media LLC. All rights reserved (**About Us**).

The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Advance Local.

Community Rules apply to all content you upload or otherwise submit to this site.

Your California Privacy Rights

[▶ Ad Choices](#)



Body part 'brokers' work in a climate with little regulation

Posted: May 03, 2018 2:49 PM EDT

Updated: May 04, 2018 6:39 PM EDT

By Morgan Loew [CONNECT](#)

By Gilbert Zermeno [CONNECT](#)

PHOENIX (3TV/CBS 5) - Cody Saunders died in August of 2016, after receiving a dialysis treatment. He was just 24 years old.

"He would talk to anybody. He would help anybody," said Angie Saunders, Cody's mother. She says her son had a positive outlook, despite his life of medical problems and surgeries.

"He was born without a rectum. He had a hole in the heart, kidney disease," said Saunders.

When Cody died, the Saunders family faced a problem many families face after the unexpected death of a loved one. They could not afford a burial. Angie says a family member came to her with a solution: a company that offered to take Cody's body, use some tissue for scientific research, cremate Cody and return his ashes to the Saunders family for free.

It was a "tissue donation bank" or "tissue donation organization."

"All I remember is they were supposed to take skin cells, so they could figure out, maybe they could figure out what caused his disease," Saunders said.

But the decision to donate Cody's body to a tissue donation organization is something that has haunted Saunders ever since. She says she received a box with Cody's ashes, but months later, she also received a phone call from a reporter from the Reuters news organization. The reporter had purchased Cody's spine on the internet.

CBS 5 Investigates followed up on the work of that Reuters reporter, and traced the business where body brokers buy and sell human body parts, with little government oversight, sometimes selling to regular people with no science, education or medical background.

"People out there collect everything under the sun, including human body parts," said Jason Robert, who is the Lincoln chair in ethics and director of the Lincoln Center for Applied Ethics at Arizona State University.

"I'm talking about private people in their private homes having small, sometimes large collections of bones from human bodies," he said.

Robert says that while tissue banks may not be violating the law, there are ethical concerns about whether they are being transparent with prospective donors or their families.

While organ donation and the donation of bodies to medical schools are highly regulated, non-transplant anatomical donations fall into a gray area with few governing laws. In Arizona, these organizations are required to be licensed, but there are few regulations beyond that.

"I think the transparency is going to be critical," said Robert.

[NEWS](#) [WEATHER](#) [GOOD MORNING AZ](#) [ALL SECTIONS](#)

"We have to be a little careful about who we sell to," said Diana Mansfield, who is the owner of The Bone Room. She buys her skeletons from retiring doctors and she says she only sells to doctors, educators, scientists and first responders.

"People who train search and rescue dogs need human bones to train the dogs, to train them how to tell the human scent from, say, a deer odor," said Mansfield.

Her warehouse has dozens of boxes of bones and skulls, and about a dozen full skeletons. Those can cost as much as \$6000.

While The Bone Room doesn't sell to ordinary people, another similar company doesn't have that restriction.

CBS 5 Investigates purchased a human fibula from Skulls Unlimited, based in Oklahoma. The bones are listed on the company's website, and there are no questions about what the remains will be used for. And they take credit cards.

Skulls Unlimited did not respond to emails sent to its website, but a customer service employee who spoke to us on the phone said some bones are restricted to the medical and science field, while other bones from donors are not.

Skulls Unlimited did not handle Cody Saunders' remains. That company, Restore Life USA, did not respond to our request for an interview.

Angie Saunders said she thinks tissue banks need to be regulated more closely.

"They make money off my child and that's wrong," she said.

[Click/tap here to download the free azfamily mobile app.](#)

Copyright 2018 KPHO/KTVK (KPHO Broadcasting Corporation). All rights reserved.

Trending Articles



Monsoon storm brings strong winds & dust, power knocked...

"This was a monster storm," Suzanne Trevino with APS said.

YOU DON'T SETTLE FOR GOOD. YOU REACH FOR GREAT.



SHOP NOW

Powered By 

NEWS, SPORTS & EVENTS

99¢ Per Month

Connect Now
([http://fullaccess.azcentral.com//newstart/specialoffer?](http://fullaccess.azcentral.com//newstart/specialoffer?gps-source=BENBjul&utm_medium=nanobarap1&utm_source=bounce-exchange&utm_campaign=18SUMMER20)
gps-
source=BENBjul&utm_medium=nanobarap1&utm_source=bounce-
exchange&utm_campaign=18SUMMER20)

Body-part broker gets 9 years in Phoenix cadaver scandal

Associated Press Published 5:02 p.m. MT May 22, 2018



(Photo: Regina H. Boone, Detroit Free Press)

A Michigan man who supplied cadavers and body parts for medical training was sentenced Tuesday to nine years in prison for failing to disclose that they were infected with hepatitis or HIV.

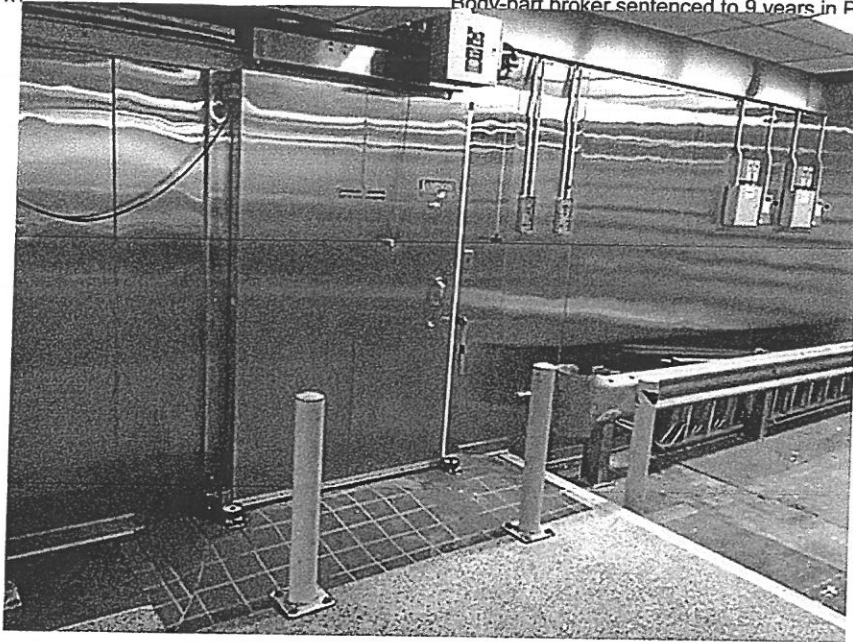
Arthur Rathburn expressed no regrets during rambling remarks to a federal judge. He blamed any problems on groups that provided him with bodies and insisted the "bequests were put to great use."

Rathburn, 64, was convicted of fraud and shipping hazardous materials.

Raid centered on Phoenix cadavers

Investigators said Biological Resource Center in Arizona and Illinois accepted bodies for research and then made them available to Rathburn, who acted as a broker.

But Rathburn did not tell medical associations and other clients that the body parts came from people with infectious diseases, prosecutors said.



The walk-in freezer at the Wayne County Morgue in Detroit where the FBI is storing more than 1,000 body parts that were seized in December 2013 in a raid at a Detroit warehouse owned by Grosse Pointe Park businessman Arthur Rathburn. (Photo: Wayne County Morgue)

"Mr. Rathburn knew this and chose to profit," said Assistant U.S. Attorney John Neal, who wanted a 14-year prison sentence and called the crimes "deplorable."

The sale or lease of human remains for research is unusual but mostly legal. Neal said it's a "very important field" yet "lightly regulated." Rathburn was accused of exposing people to possible infection, and although workers in Arizona were warned of possible infection, no one became ill.

Investigators in hazmat suits removed body bags stuffed with heads, limbs and other body parts during a 2014 raid on the Biological Resource Center in South Phoenix ([/story/news/politics/2014/04/26/officials-investigate-body-donations/8189495/](http://story/news/politics/2014/04/26/officials-investigate-body-donations/8189495/)).

Gruesome scenes of stored remains

Many families of the deceased have filed lawsuits, saying they were unaware of how the bodies were treated. They also wonder if the cremated remains that were subsequently given to them were genuine.

At trial, an FBI agent who was involved in a 2014 raid at Rathburn's Detroit warehouse said she saw body parts stored in drums, blood stains on the floor and piles of dead flies. Heads and body parts were frozen together.

A juror who saw pictures asked for counseling and was eventually excused.

Defense lawyers said the case should have been treated as a contract dispute between Rathburn and his customers, not a crime.

Rathburn spoke for nearly an hour Tuesday but conceded nothing. He said his Detroit lab was "perfect," and he denied using a chainsaw to cut bodies.

"We have 10,000 diseases in this world. We know how to treat 500 of them. The rest need to be studied," Rathburn told U.S. District Judge Paul Borman.

READ MORE:

- [Sept. 10 trial set in sex-abuse case against ex-Hamilton football player \(/story/news/local/chandler/2018/05/21/trial-set-sex-abuse-case-against-ex-hamilton-football-player/629816002/\)](http://story/news/local/chandler/2018/05/21/trial-set-sex-abuse-case-against-ex-hamilton-football-player/629816002/)
- [Missing drill-rig worker believed dead; body recovery could take days \(/story/news/local/phoenix-breaking/2018/05/22/efforts-move-fallen-drill-rig-continue-phoenix-sky-harbor-airport-worker-still-missing/632613002/\)](http://story/news/local/phoenix-breaking/2018/05/22/efforts-move-fallen-drill-rig-continue-phoenix-sky-harbor-airport-worker-still-missing/632613002/)
- [Robbery leads to officer-involved shooting in Phoenix \(/story/news/local/phoenix-breaking/2018/05/21/phoenix-police-scene-shooting-involving-officer/631271002/\)](http://story/news/local/phoenix-breaking/2018/05/21/phoenix-police-scene-shooting-involving-officer/631271002/)

Want more news like this? [Click here to subscribe to azcentral.com](https://fullaccess.azcentral.com/newstart/HOMEPAGEBAN)
(<https://fullaccess.azcentral.com/newstart/HOMEPAGEBAN>).

Read or Share this story: <https://azc.cc/2s50VU2>



The New York Times

FIRST CHAPTER

'Body Brokers'

By ANNIE CHENEY MARCH 26, 2006

Joyce Zamazanuk knew that her son was dying. She knew it when the nurses quietly wheeled Jim to a private room on the seventh floor of the hospital in San Diego. His new room had a bed, a metal chair, and an oxygen tube, but little else. Outside, few visitors wandered the halls. A hush hung over the nursing station. Joyce thought, *This must be where they bring the sick patients to die.*

Six days in the hospital had done little to help Jim. AIDS had ravaged his body. The tumor that engulfed his lungs appeared larger in each new CAT scan. Always slender, Jim Farrelly, forty-five, was now reedlike beneath the cotton sheets and blankets. His thick brown hair had thinned to a soft, downy fur. He had trouble talking. Death by asphyxiation was certain.

Joyce wondered what awaited her beloved son: Would he feel pain in the moment of his passing? How much longer before he left her?

Joyce had been just seventeen years old when Jim, her third son, was born; the two had always been close. Even as a baby, Jim was gentle in his manners and feminine in his tastes. He wanted to do whatever his mother did. Unlike his macho brothers, Jim would learn to cook and to sew. Later, when his sister was born, he

3
ARTICLES
REMAINING

One month free, then 50% off. The Times
Sale ends today.

SUBSCRIBE

[Subscriber login](#)

But Jim was a scrapper, tougher, his mother always said, than any of his tough brothers. When they lost Jim's father, it was Jim who stepped in and took care of Joyce. Jim planned his father's funeral. He bought the Christmas presents. He was a comfort to his mother. When he grew up and settled in San Diego, Joyce often came to stay. She and Jim shared their sorrows and secrets.

AIDS was one secret Jim had tried to keep. When he was diagnosed with HIV in 1994, he lied to his mother and said, "The doctor just found a polyp. Nothing for you to worry about." Joyce was relieved. But within a year, the virus had progressed to full-blown AIDS.

Jim tried to prepare his family for his death. He knew it was coming-he'd seen many of his friends die-and so he made sure everything was ready. With the little money that he had, he bought a cemetery plot in Arizona. He drew up a will and arranged to be cremated through a funeral home in San Diego. With his debts paid and his last wishes clear, Jim assured his mother there was nothing more to worry about.

The end came quickly. Jim had only been on the seventh floor for six or seven hours when he began making a guttural, gasping sound. By now, everyone had arrived: Jim's sister, Joy; his best friend, Billy, and countless others. Startled, they rushed to his bed. "What is it, Jim?" his mother asked.

"Can I help you? You're not crying. Please don't cry."

Jim shook his head. He was laughing. "It's okay, Mom," he whispered. "I am less and less. There is more and more." Then he fell into a coma. Soon after, he was dead.

Everything went as planned. In the hospital room, Joyce said good-bye to her son. After she went home, the nurses came and took Jim's body down the long hall, into the freight elevator, and downstairs to the morgue. Several weeks later, someone from the mortuary called Joyce to say that Jim's ashes were ready. "Okay, send them along," Joyce replied. But when the urn arrived, she didn't open it. She clutched it and placed it on her shelf, where she gazed at it for weeks. Finally, she

3
ARTICLES
REMAINING

One month free, then 50% off. The Times
Sale ends today.

SUBSCRIBE

[Subscriber login](#)

Fourteen months passed. Then, one afternoon, the telephone rang in Joyce's house. When she answered it, a woman asked, "Are you the mother of Jim Farrelly?"

"Yes," Joyce said. "What is this regarding?"

"I'm a victim's advocate."

Joyce wondered if one of her sons was playing a joke. "But my son is dead," she said.

"Yes, I know," the woman said.

Could it be identity theft? Joyce pressed the phone to her ear and took a deep breath. "I don't understand," she said. "What is this about?"

The female caller paused. "I'm calling to tell you that your son has been the victim of a crime."

"A crime?" Joyce almost laughed.

"Ma'am," the woman's voice was somber. "We have identified your son's body parts at a crematorium. His body was dismembered."

Dismembered? But Jim's ashes ... He'd been buried. He was fine. Joyce said, "I'm going to have to call you back."

Later, Joyce would recall that final night in the hospital. In retrospect, it seemed odd to have left Jim alone. And yet, what could she have done? No one had invited her to the morgue. Did the hospital even have one? Joyce had never thought to ask. The nurses, who had been so solicitous when Jim was alive, said nothing about his corpse. Joyce had signed some papers at the funeral home. But she never saw Jim's body. Now, Joyce wondered: Where had they taken him? Why hadn't she been there for her son?

Corpses lead a perilous existence. Whisked from the arms of family and friends, they embark on a journey under the care of strangers. In most cases, those to whom

3
ARTICLES
REMAINING

One month free, then 50% off. The Times
Sale ends today.

SUBSCRIBE

[Subscriber login](#)

Now

body. Indeed, many care for them as they would the dead bodies of their own relatives. Still, body brokers have been known to haunt this dark landscape, hunting for body parts, which they can later sell.

At each stage of the journey, there is ample opportunity for theft. At the hospital, a nurse or an attendant shuttles the corpse first to the morgue, where it's stored in a steel refrigerator. If a family requests it, an autopsy may be performed. As it happens, an autopsy is an ideal situation for body brokers inclined to theft. Pathologists routinely take samples of specimens relevant to their investigation—a slice of kidney, for instance—which get preserved in paraffin blocks and transferred onto slides. An honest pathologist may remove a whole brain and keep it fixed in preservative for weeks. Otherwise, the brain matter will not yield its secrets. This is perfectly legal as long as the doctor has permission from the deceased's family.

But consent forms vary in their specificity, and pathologists often work with unlicensed assistants known as *dieners*, a word derived from the German for servant. Dieners do the work that no one else wants to do: They dissect bodies, cutting through bone and muscle and removing whole organs so that the pathologists can weigh and examine them. They are responsible for cleaning up the morgue and assisting pathologists. A diener may work with a pathologist, while at the same time harvesting body parts for tissue banks. Stealing body parts is easy for a diener, and the money is good. Dieners often become brokers.

Numerous diener thefts have been discovered over the years, from Maine to Los Angeles. Nearly all of these cases were uncovered purely by chance. Often the families of the dead noticed something odd on an autopsy report. Only later did they learn that parts of their family member's body had disappeared owing to an intricate deception.

If an autopsy isn't ordered, someone at the hospital calls the funeral home of the family's choice. A driver comes to pick the body up and take it to the funeral home. There, the body is refrigerated until the time comes for what's known in the funeral trade as "final disposition." If the body is to be cremated, it may be sent to another

3
ARTICLES
REMAINING

One month free, then 50% off. The Times
Sale ends today.

SUBSCRIBE

[Subscriber login](#)

ALIAS

assumes control of the body. If the crematorium operator is so inclined or is familiar with the market, he may be tempted to remove a body part before sliding the cadaver into an oven. Once a body is cremated, there's no way to know if anything is missing.

If the body is to be embalmed, the procedure takes place at a funeral home. But there too, a corpse may not be safe. The funeral home may have an agreement with a tissue bank. Each body may produce a tidy kickback, a thousand dollars, perhaps. Or, more disturbing, the funeral director may own his own tissue bank, earning thousands of dollars selling the parts of each corpse entrusted to his care. He might not bother to ask permission.

Relatives rarely have the opportunity-or the inclination-to accompany their deceased loved ones into the realm of hospital morgues and funeral homes. They sit by their bedsides while they are alive, clutching at any sign of life. But once death comes, they are quick to release them into a world, which, for many, is a kind of wilderness. And there, as in the wild, vultures are drawn to the dead.

In 2001, Michael Brown had a thriving cremation business in Lake Elsinore, California, a pleasant suburban town seventy miles southeast of Los Angeles. He had five admiring employees, a beautiful wife, and two sons. Brown, who was in his early forties, was a loving and supportive father. On most weekends, he could be found racing dirt bikes with his older son and attending the boys' ice hockey games. Brown took both boys camping in the Nevada wilderness. He Jet Skied with them on the town lake, played golf with them, and taught them how to fly radio airplanes. Brown beamed when he spoke of his children. "Those kids are my heart and soul," he said.

Brown wasn't a devout Christian, although he displayed in his spare office a Bible engraved with his name. Sometimes he even quoted Matthew 7:3-"Why do you see the speck that is in your brother's eye, but do not notice the log that is in your own eye?"

The California state crematorium inspector, Dan Redmond, saw this same humble philosophy in Brown's work and was impressed by it. "You can honestly tell when these guys are just in the business to make an extra buck and Mike was not

3
ARTICLES
REMAINING

One month free, then 50% off. The Times
Sale ends today.

SUBSCRIBE

[Subscriber login](#)

ALBUM

fancy coffin. If a family couldn't afford a funeral, Brown offered to cut his rates or provide a service free of charge.

"He had one of the best crematorium in southern California," Redmond said with a smile. In 1996, when a nearby funeral home got in trouble for improperly storing bodies, Brown was the first man Redmond called as his expert witness. "When other guys in the business had problems, I used to tell them to go and look at Brown's place. That's how a crematorium ought to be run." Brown's records were always in order; there was never a document out of place, never a signature missing. He was constantly mopping and sweeping.

But beneath his caring manner, Brown had little feeling for his customers, living or dead. Later, he would say, "I don't believe a body is worth more than garbage once you pass away."

One afternoon in February 1999, Jennifer Bittner stood in the parking lot of Brown's crematorium. She was a pretty, pale-skinned girl, with delicate features, blue eyes, and long brown hair that she wore loose down her back. Bittner appeared older than her eighteen years. Her shoulders slumped and her face was drawn with grief.

Shading her eyes from the glaring sun, Bittner stared at the long, low building. Made of stucco and stone, the crematorium was like all of the other buildings in the office park. It was flat and rectangular and resembled a warehouse. Bittner couldn't see much through the tinted glass door. But looking up, she could make out three small chimneys.

When Bittner appeared in Michael Brown's doorway, he jumped up, shook her hand, and led her into a back office. Brown made an impression on the young woman. He was about six feet tall, blond and blue-eyed, with the muscular build of a high school football star. Bittner admired his neatly trimmed goatee. Later, she recalled finding him "very attractive." He was also instantly empathetic. Brown listened and patted her arm as she explained that her cousin had just died and her family didn't have enough money for his funeral

3

ARTICLES
REMAINING**One month free, then 50% off.** The Times
Sale ends today.

SUBSCRIBE

[Subscriber login](#)

Brown nodded gently and offered to arrange for a discounted funeral. "I'll take care of everything," he promised.

After they made the funeral arrangements, Bittner asked Brown if she could take a look around. She had always been curious about dead bodies. In her spare time, she read Patricia Cornwell mysteries, books like *Postmortem* and *Cause of Death*, and she dreamed about one day investigating crime scenes. . . .

© 2018 The New York Times Company

3
ARTICLES
REMAINING

One month free, then 50% off. The Times
Sale ends today.

SUBSCRIBE

[Subscriber login](#)



INVESTIGATES

Cashing in on the donated dead

The Body Trade

A REUTERS SERIES



REUTERS/Jeong Suh

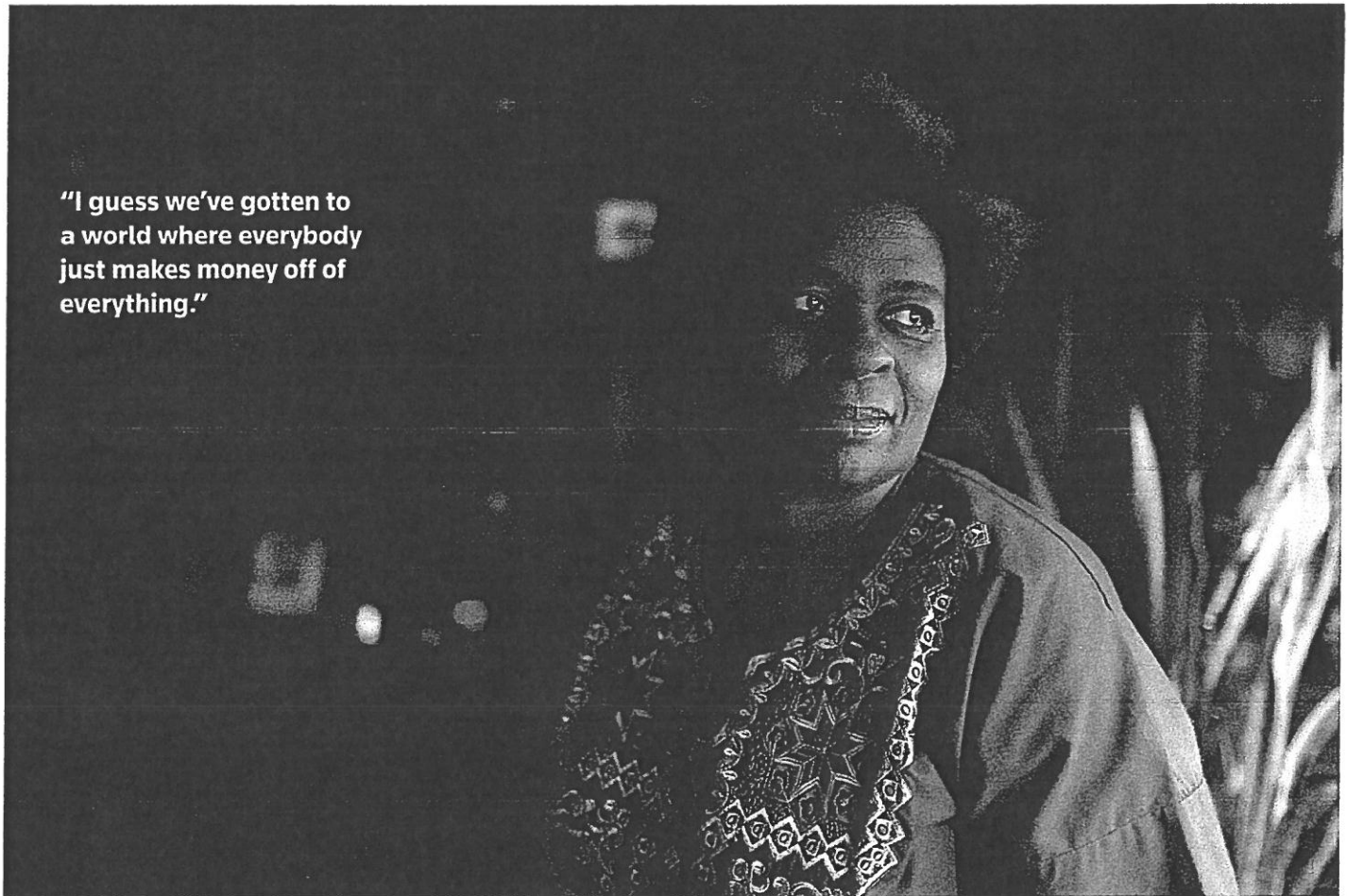
How an American company made a fortune selling bodies donated to science



INVESTIGATES

body donors through hospices, funeral homes and online ads. And to ensure quality of body parts sold, it found inspiration in a legendary model of efficiency: McDonald's.

By JOHN SHIFFMAN and BRIAN GROW | Filed Oct. 26, 2017, 11 a.m. GMT



"I guess we've gotten to a world where everybody just makes money off of everything."

UNWITTING SUPPLIERS: Gail Williams-Sears says neither she nor her father, who donated his body to Science Care, realized the company could sell his body parts. REUTERS/Chet Strange



PHOENIX – In 2008, a thriving company named Science Care Inc developed a 55-page national expansion plan. The internal document projected the yield on raw material to the decimal point and earnings to the dollar.

The goal: to maximize profits from the sale of human bodies donated to science. The company's model for ensuring quality: McDonald's Corp.

Science Care founder Jim Rogers aimed to provide customers with the same cuts from cadavers no matter which Science Care branch handled the order. That's why he cited production methods perfected by Ray Kroc, the visionary who turned a hamburger stand into a fast-food empire, said an executive who worked closely with Rogers.

"He used the McDonald's analogy that no matter where you go, you get the same exact thing," the executive, former quality assurance director John Cover, said in a 2009 sworn statement.

"It was all about quality," Cover said in a recent interview. "When you get a Big Mac, it's going to taste like a Big Mac, whether you're in Louisiana or San Francisco."

McDonald's and Kroc got rich selling hamburgers. Science Care and Rogers have made millions from human body parts.

RELATED CONTENT





INVESTIGATES

THE BODY TRADE

Cashing in on the donated dead

Q&A

Donating bodies, selling the parts: Frequently asked questions

From 2012 through 2014, Rogers and his co-owner, wife Josie, parlayed the donated dead into at least \$12.5 million in earnings, according to Internal Revenue Service audits and court documents reviewed by Reuters.

The two likely earned millions more from Science Care in the dozen years before and after that period. And in 2016, they sold Science Care to a billion-dollar private equity firm. Terms were not disclosed, but the sale included this unusual asset: written pledges from more than 100,000 people to donate their bodies to Science Care when they die.

Last year, Jim and Josie Rogers bought a custom-built airplane and two luxury homes near Phoenix. They also own property in Hawaii and near a ski resort outside Telluride, Colorado.

Jim Rogers, 49, declined interview requests. In a statement to Reuters, he said he sold Science Care to spend more time with his family. The company bills itself as the “world’s leading whole-body donation program,” and Rogers credits Science Care with bringing reliability to the industry.

“Through efficiencies, Science Care has managed to lower costs for researchers, thus better fulfilling the wishes of donors to contribute significantly to research,” he said.

Body donation is distinct from organ donation, the lifesaving process that enables surgeons to transplant hearts and kidneys from the recently deceased. It’s also separate from the harvesting of tendons or bones from cadavers to repair joints in the injured or ailing. Those practices are strictly regulated by the U.S. government. Selling organs and other body parts for transplant is against the law.



“People have these romantic notions that the world is going to be a better place by donating their body,” said Ray Madoff, a Boston College Law School professor who studies how U.S. laws treat the dead. “We don’t think of businesses using bodies to increase their profits.”

Typical prices for body parts



Brain
\$750



INVESTIGATES



📷 Prices are based on lists, quotes and sales from seven body brokers. Some prices are averages.

Last year, Science Care received about 5,000 bodies from donors, the company said. From 2011 through 2015, the last five years for which public records are available, Science Care received at least 17,000 bodies and sold or leased more than 51,500 body parts.

The payoff has proved substantial. Science Care has turned donated bodies into about \$27 million in annual sales, according to a 2017 government filing. That figure includes revenue Science Care generates by hosting medical training seminars, which enable doctors to train on donated bodies. The privately held company doesn't disclose its profits.

Medical school officials in Pennsylvania and Florida report that competition from Science Care and other brokers has reduced the number of bodies donated to schools to train students. Science Care markets itself more aggressively than medical schools, they say, and offers donors more favorable terms, such as picking up the body for free.

"We have lost many donations because of them, and we've not been able to meet the needs of our schools," said Clariza Murray of Humanity Gifts Registry, a state agency in Pennsylvania that coordinates the donation process. "We're seeing six students per donor in a first-year anatomy lab, when it should be three or four students per donor."

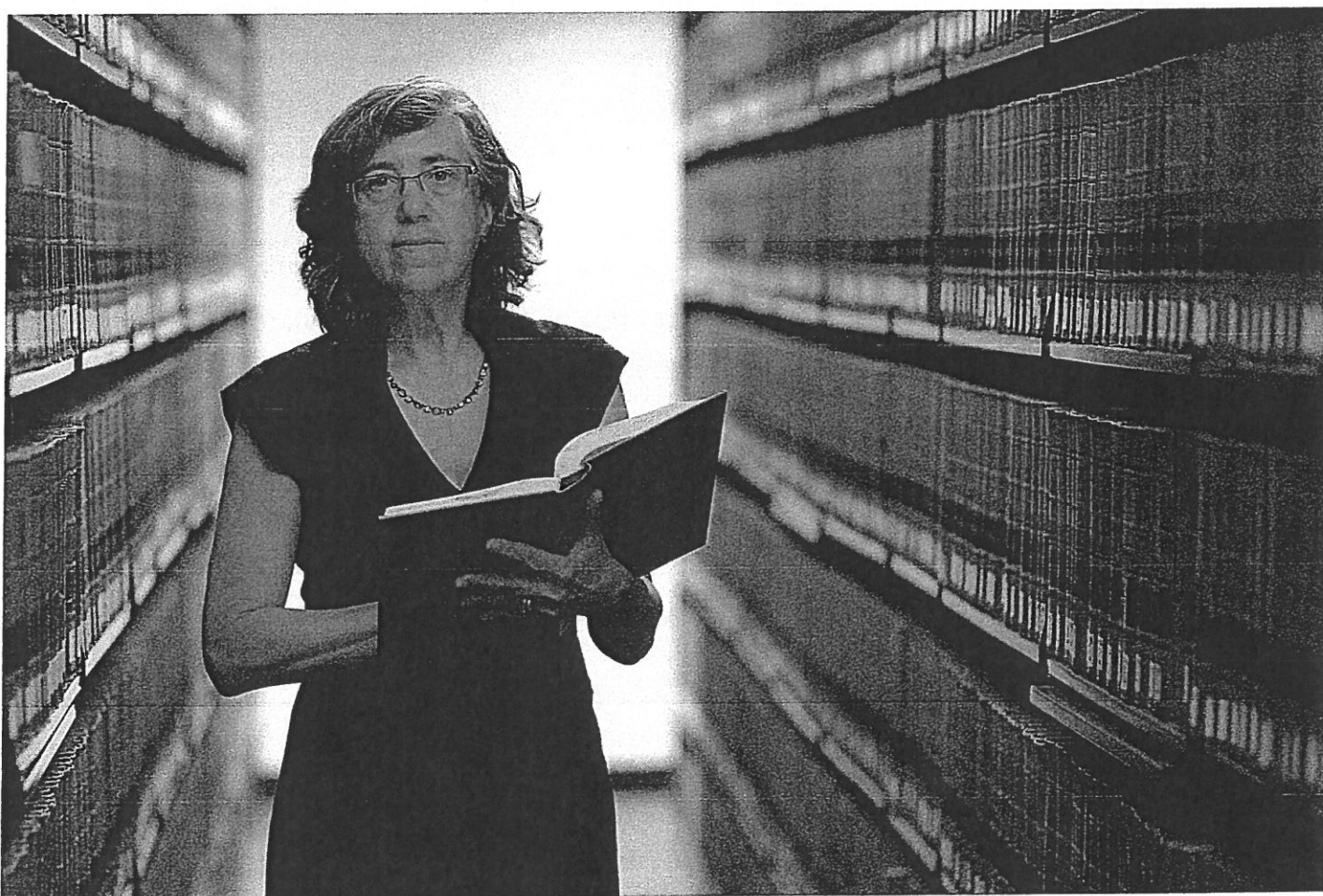


INVESTIGATES

schools there, he said, because it raises awareness about body donation.

Although the company's donor consent forms state that "Science Care is a for-profit company," they do not explicitly disclose that bodies or parts will be sold.

Gail Williams-Sears, a nurse in Newport News, Virginia, said neither she nor her father realized Science Care might profit when he donated his body before his death in 2013. John M. Williams Jr, who lived 88 years, served in World War II and the Korean War, earned a master's degree in social work and spent decades in Maryland state government advocating for children.



IDEALS AND REALITY: Ray Madoff, a Boston College Law School professor, believes the public has a "romantic notion" about body donation. REUTERS/Brian Snyder

"Dad was very frugal," his daughter said. "He thought it was ridiculous to pay a large amount of money to be put in the ground." His decision to donate his body was also motivated by a lifelong interest in good health, his Christian faith and science fiction books and movies, she said. Whenever he was admitted to the hospital, he made sure to bring the donor documents with him, in case he died, his daughter said.



INVESTIGATES

someone's charity. Well, I guess we've gotten to a world where everybody just makes money off of everything."

PIPELINE TO THE DEAD

Neither Science Care, Rogers nor the company's new owners have been accused of mishandling body parts. Rivals in the industry praise the company's professionalism. It has demonstrated how a large, well-run operation can generate rich returns on the people whose remains are its product.

This account of Science Care's rise is based on state records, tax audits, internal company documents and interviews with current and former employees. It also includes sworn testimony from a previously unreported trade-secrets case that Science Care brought against a competitor. In 2010 testimony from that case, executives discuss confidential strategies for soliciting bodies and selling them.

Rogers, for example, testified that Science Care's model for acquiring donated bodies is "the engine that drives the whole company." Rather than waiting for people to donate their bodies, the company has sought out the dead or terminally ill by building relationships with funeral homes, hospices and hospitals.

"Nobody had really done it before," Rogers testified.

Rob Montemorra, the former chief of the FBI's national health care fraud unit, says the practice of selling donated bodies is legal. But if anyone is going to profit, Montemorra said, it should be the relatives of the deceased.

"The families don't realize that a body has tremendous value," the former FBI official said. "Everybody makes money but the people who provide the raw material."

Science Care's new owner, Northlane Capital Partners, is led by veteran private equity investors based near Washington, D.C. Northlane Capital's other holdings include Potpourri Group, which operates the linen company Cuddledown. Potpourri also runs Whatever Works, an online catalog that markets products ranging from garden tools and kitchen wares to sex toys and pest repellent.

Northlane Capital's interest in the body broker business didn't end with Science Care. In February, the partners acquired another major body broker that it merged with Science Care. Last year, the same private equity partners expressed interest in buying two other cadaver firms, according to interviews and a letter reviewed by Reuters.



INVESTIGATES

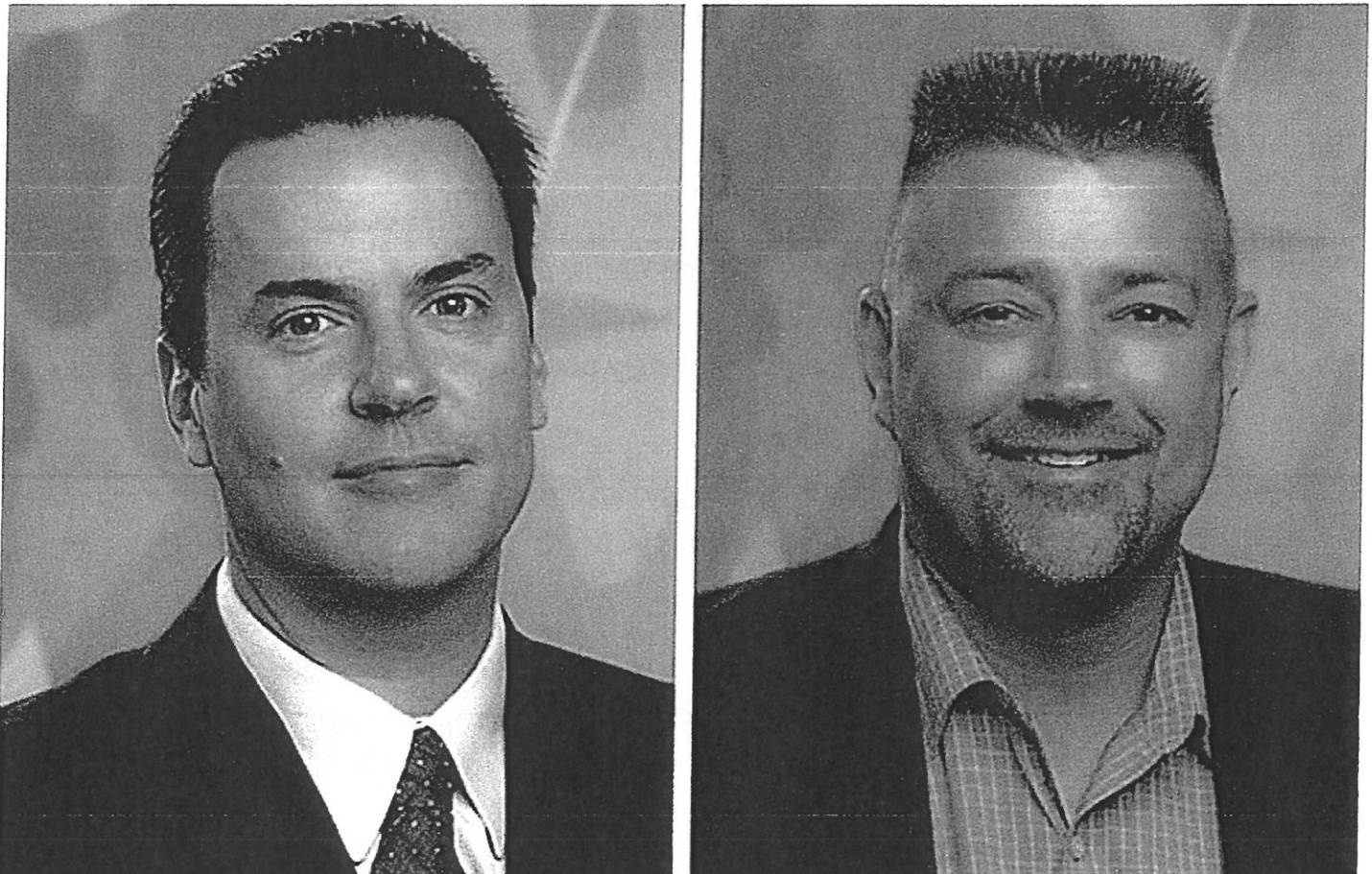
Northlane Capital partner Sean Eagle. The deals never materialized.

Eagle referred requests for comment to Science Care's current CEO O'Connell, who said the company has no plans to expand.

"We don't focus on how big we can get," O'Connell said. "We focus on doing things right." He added, "Being for-profit has allowed us to better line up our objectives, strategies and processes."

HOSPICE "A CASH COW"

Rogers founded Science Care in 2000. At the time, he had been selling funeral insurance plans and had recently earned an MBA.



PIONEER, PROTEGE: Former Science Care owner Jim Rogers, left, and current Science Care CEO Brad O'Connell. Rogers sold his company last year to a billion-dollar private equity firm. Handout via Reuters

Rogers conceived of his business plan, he said, after identifying a need to connect donors with medical researchers who were struggling to find reliable human specimens.



INVESTIGATES

It was during that testimony that Rogers described how donor solicitation is “the front end” of the business, “the engine that drives the whole company.” To develop a donor base, Science Care sought to enlist companies serving the dead and the dying.

“It’s very much built on relationships,” Rogers testified. “When I started Science Care in 2000, [I] was figuring out which funeral homes and which hospices and which social workers and which clergy member in an office down a hallway in some big hospital would be receptive to our message.”

According to testimony and interviews, during its first decade Science Care spent more than \$1 million on marketing and branding to attract donors.

“With what we do, you don’t sell it,” Rogers said of body donation in his testimony. “It’s educating people and allowing them to make an informed decision. And then we combine that with all the branding and the touch points and the look and feel.”

The typical pitch to the dying and their families is two-pronged. The first is altruism: The gift of a body will benefit medical science and, by extension, others in need.

The second is financial: Body donation saves a family money. The average funeral, including coffin, memorial service and burial, costs about \$7,000, according to the National Funeral Directors Association. Simple cremation, an increasingly popular option, costs \$400 to \$1,000 or more.

Body brokers like Science Care offer the cheapest option: free cremation in exchange for the body. The deal: Science Care pays for the cremation of a donor’s unused remains and for returning the ashes to the bereaved family, usually after a few weeks.

Kevin Lowbrera, a Science Care employee from 2003 to 2008, said he traveled widely to promote the idea at conventions for retirees, doctors and morticians. He said the husband-and-wife Rogers team also sent him to pitch body donation to nurses and chaplains at hospice centers.

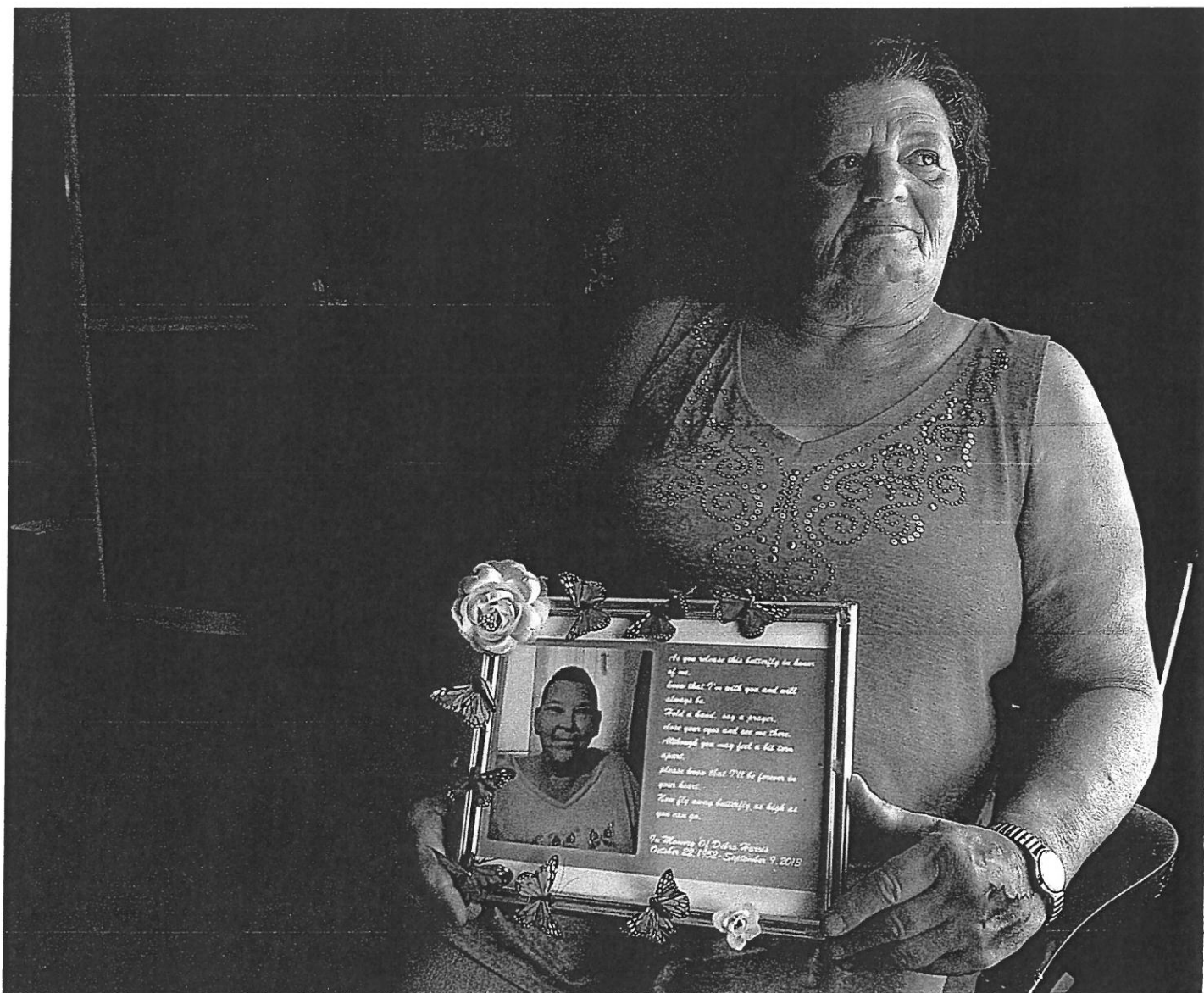
“Jim and Josie identified that hospice was a cash cow for them,” Lowbrera said. “These were people that are on the edge of death and needed an alternative to the financial burden of traditional end-of-life care.”



INVESTIGATES

“cremation is offered at no cost.” That’s one reason the working poor are drawn to the option.

Among them is LouJean McLendon, a 64-year-old retired bus driver in Anniston, Alabama. When a friend donated her body to Science Care, McLendon decided to pledge her own remains as well.



DONORS IN NEED: LouJean McLendon holds a picture of friend Debra Harris, who left her body to Science Care. McLendon, a retired bus driver, plans to donate her own body to spare her family the funeral expenses. REUTERS/Tami Chappell



INVESTIGATES

“Hospice was a cash cow for them. These were people that are on the edge of death and needed an alternative to the financial burden of traditional end-of-life care.”

Kevin Lowbrera, former Science Care employee

A diabetic who is raising her deceased friend's young grandsons, McLendon earned \$38,000 a year and recently had her car repossessed. She said she had been making burial insurance payments to provide for a formal ceremony and gravesite when she dies. But to save her family funeral expenses, she abandoned the plan and decided to donate her body.

For McLendon, body donation makes sense. “It’s the fact that it doesn’t cost me anything,” McLendon said. “How can you beat that?”

In addition to focusing on hospices and nursing homes, Science Care has negotiated “collaborative referral” deals with funeral homes. That means the company gets to choose ahead of other brokers which bodies it wants – “first right of refusal” – in exchange for cross-marketing and sales opportunities for the morticians, according to 2012 company contracts and a marketing document marked “confidential.”

Among the benefits to morticians: associating themselves with the Science Care brand and promoting free cremation on websites.

“It helps with marketing,” said Jeff Wolowiec, owner of Avalon Cremation Care in Chicago.

The funeral homes get a fee for each donor. According to 2013 accounting records for one Florida funeral home, Science Care reimbursed \$180 to \$525 per body. Records from the trade-secrets case cite reimbursement rates as high as \$1,430 for other funeral homes.

In his statement to Reuters, Rogers said that most Science Care donors today are referred by friends and family. He said two-thirds of them cite altruism as their top motivation. O’Connell, the current Science Care CEO, said about 100 funeral homes partner with Science Care to offer free cremation, but that 4 out of 5 people donate for a reason other than cost.

“I don’t think free cremation is going to be a driver,” he said.

“MARKETING TOOL”



INVESTIGATES

supplier of human body parts.

Rogers built a corporate culture that stressed the importance of the finer details, former employees said. Nothing – not even putting together packing materials – was left to chance. Science Care had “10 different policies, procedures for building a box” to ensure that shipped body parts arrived safely, securely and without damage, Rogers testified.

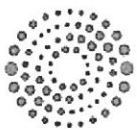
In 2003, Science Care became the first body broker to earn accreditation by the American Association of Tissue Banks, which primarily consists of transplant organizations. In his statement to Reuters, Rogers said his pursuit and promotion of “a clear, and robust accreditation system ... helped bring transparency and accountability to the industry.”

Gaining early accreditation was among Rogers’ savviest moves, say former employees and competitors. Accreditation required precision – adherence to strict donation, dissection and shipping procedures in a largely unregulated market. It also enabled the company to showcase itself as trustworthy. Science Care displays the tissue bank association’s seal of approval on marketing and sales documents.

“It certainly opens up a lot more opportunities, opens up doors, gets you recognized,” Cover, the former quality assurance executive, testified in the trade secrets lawsuit. “It’s something you can use as a marketing tool for donors.”

In 2004, Rogers opened a second office near Denver and converted the business to for-profit status. In 2006, Science Care added programs that provide body parts and lab facilities so doctors, paramedics and other health professionals can train on cadavers. Science Care’s 2007 strategic plan called for an “aggressive marketing campaign to increase donor rate” and “actively target new clients” who will snap up “low demand inventory” – body parts that don’t sell well, such as hands and feet.

REUTERS INVESTIGATES



More Reuters investigations and long-form narratives



Got a confidential news tip? Reuters Investigates offers several ways to securely contact our reporters



INVESTIGATES

decimal point: 4.9. It also projected revenue and certain expenses – among them marketing, insurance and entertainment – on a per-body basis. For 2009, costs included \$46 per body for advertising expenses, \$104 for insurance and \$5 for meals and entertainment. On the revenue side, each body was projected to bring in \$6,392, yielding a profit of \$677.55 per cadaver.

The three-year strategic plan proposed nearly doubling donation levels to 3,886 bodies by 2011. According to a filing with New York health officials, Science Care almost achieved that goal.

SON OF SCIENCE CARE

By September 2009, Science Care was enjoying its best month to date, according to former employees. Business was so good that three senior Science Care executives abruptly left to create their own company, GenLife Institute.

Their departures triggered the trade-secrets lawsuit. Science Care accused the former executives of using proprietary customer, marketing and pricing information, as well as contacts at funeral homes, hospices, medical schools and device-makers to develop GenLife.

“Science Care has invested millions of dollars in donor marketing and they want to compete for the exact same donors,” Science Care said in a court filing.

The defendants countered that such information was already well-known or publicly available. Their lawyers argued that employee agreements signed by the former Science Care executives were not binding because the documents were overly broad and unfairly designed to prevent competition.

6. Fees/Compensation. Fees will be billed on an individual invoice for each request. All tissue service fees on Science Care invoices pertain to ‘service related fees’. The service related fees include the removal, testing, processing, preservation, quality control, storage, transportation and disposal of tissue. In no way does human tissue have monetary value. **Human tissue is intrinsically priceless and cannot be owned, bought or sold.** Science Care tissue related fees are reasonable fees associated with the processing of the tissue.

“PRICELESS”: A 2015 sample client agreement written by Science Care states that “human tissue is intrinsically priceless and cannot be owned, bought or sold.” But in court testimony, a top Science Care executive said prices were based on supply and demand.

“And there’s a reason for doing that,” a lawyer for GenLife argued in court. “The tissue banking business is very lucrative.”



INVESTIGATES

GenLife secured an order for 15 bodies by charging \$11,000 apiece. Although Science Care countered by offering a 33 percent discount, it failed to win back the business.

The trade-secrets lawsuit was settled confidentially in 2012. GenLife, which changed its name to United Tissue Network, has since grown into one of the nation's larger body brokers. A spokesman for United Tissue declined to comment on the case.

PROFITING FROM DONATIONS

As Science Care's volume grew, executives met regularly to discuss what they ought to charge for body parts, according to documents and testimony from the trade-secrets case.

The sworn statements about Science Care's pricing methods stand at odds with the company's public assertions that it sells only its services, not the body parts themselves.

Like many brokers, Science Care often tells donors and customers that it is paid merely to acquire, store, dissect, prepare and transport body parts. In a 2015 boilerplate contract, Science Care wrote, "Human tissue is intrinsically priceless and cannot be owned, bought or sold." In recent price quotes to customers, Science Care offered a similar explanation.



HIGH VOLUME: Science Care, based in Phoenix, says it received about 5,000 bodies from donors last year. Handout via Reuters



INVESTIGATES

Illinois it sets prices by using “cost-plus pricing, rather than supply-demand metrics.” In other words, the company said, prices are tied to the costs of preparing a body for customers, rather than to market conditions.

But under oath in the trade-secrets case, Science Care executives said otherwise. They testified that body parts were priced as high as the market would allow.

“They were determined by supply and demand,” former Science Care President Greg Martenson testified. “We would use that information to set the prices.”

Former executive Cover testified that “net revenue per donor” – cash earned per donated body after expenses – was a key metric. Rogers likened Science Care’s method for pricing the bodies it sells to playing “poker.”

“They were fees all across the board that were really – there was no rhyme, reason or consistency,” Rogers testified.

In his statement to Reuters, Rogers said: “Science Care has always been chiefly motivated by compliance and quality service, not by price.”

Current CEO O’Connell said sales today are different, involving a complex mix of cost-plus pricing and supply-demand metrics. Prices can vary, he said, depending upon a customer’s needs and a body’s condition. Some customers, he said by way of example, may accept overweight or underweight bodies for research and training; others may not. Some can use bodies that underwent certain surgeries during their lives; others cannot. Every donation – every body – arrives with a different value, he said.

“It is not a widget,” he said.

Some Science Care documents presented to potential customers, such as certain price-quote sheets, state that it is illegal to buy or sell body parts, and cite the National Organ Transplant Act. In fact, there are few state laws prohibiting the trade in whole cadavers or in non-transplant parts. And federal officials told Reuters that the organ transplant law does not apply to the kind of body parts Science Care sells.

Asked to comment on this discrepancy, O’Connell said Science Care operates in “a relatively young and developing industry that lacks a consistent and well-defined legal and regulatory framework.”

TWO HOMES AND A PLANE



INVESTIGATES

In 2011, the company opened an East Coast training center in New Jersey that was later moved to Philadelphia. In 2012, it added facilities in Florida and California.

Health Life, Inc Non-Passive Income

Tax Period	Per Return	Per Exam	Adjustment
2013	\$2,350,223.00	\$3,552,065.00	\$1,201,842.00
2014	\$4,064,687.00	\$5,102,823.00	\$1,038,136.00

It is determined from our examination of the books and records of the S Corporation known as Health Life, Inc. (EIN [REDACTED]) that your correct share of its ordinary income for the taxable year 2013 is \$3,552,065 rather than the \$2,350,223 reported on your tax return. And for the taxable year 2014 your correct share of its ordinary income is \$5,102,823 rather than the \$4,064,687. See Exhibit A for more details of the adjustments to Health Life, Inc.

MILLIONS EARNED: An excerpt from an Internal Revenue Service audit of Jim and Josie Rogers' tax returns for 2013 and 2014 shows the government determined they earned \$8.6 million from Health Life Inc, a holding company that owned Science Care. Figures from the 2012 audit are not pictured.

Science Care's success during this time is reflected in Jim and Josie Rogers' federal tax records for the years 2012, 2013 and 2014. Reuters reviewed audit reports for those years after they became exhibits in a lawsuit the couple filed against the Internal Revenue Service.

For those years, the IRS says, the couple's taxable income was \$15.1 million; Rogers and his wife say the correct figure is \$11.6 million. The IRS says the total includes the \$12.5 million earned through a holding company that owned Science Care. The couple says the correct total is about \$9 million.

An IRS spokeswoman declined to comment on the tax dispute. The couple declined to discuss its personal finances, except to say that Jim Rogers retained a "small equity ownership stake" in Science Care following the company's sale to Northlane Capital last year.

After the Science Care sale, property records show, Rogers and his wife bought two homes inside gated communities in Scottsdale, Arizona, northeast of Phoenix – one for \$2 million and another for \$2.5 million.

Jim Rogers also bought an airplane last year – a single-engine, custom-built 2016 Cirrus SR22T whose base price was \$619,000, according to federal aviation records and the manufacturer. He purchased a hangar worth \$212,800, property records show, at a small airport north of Phoenix, in a town called Carefree.



INVESTIGATES

One post came last year, when Rogers responded to a question in a pilots' forum from someone who sought detailed financial guidance about plane ownership.

The plane will be expensive, Rogers advised, but it will make you happy.

"You don't want to be the richest man in the cemetery," he wrote.

The Body Trade

By John Shiffman and Brian Grow

Illustrations: Jeong Suh


Graphics: Christine Chan

Photo editing: Steve McKinley

Design: Troy Dunkley

Edited by Blake Morrison



Follow Reuters Investigates  

OTHER REUTERS INVESTIGATIONS



INVESTIGATES

Cashing in on the donated dead

The Body Trade

A REUTERS SERIES



REUTERS/Jeong Suh

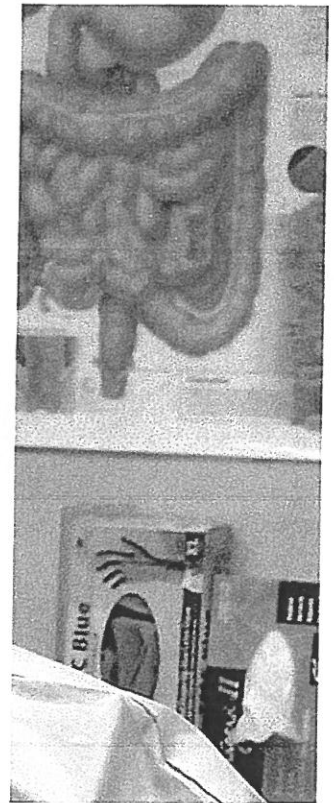
A business where human bodies were butchered, packaged and sold

Part 7: For a decade, Arizona-based Biological Resource Center persuaded dying Americans to donate their bodies to science. More than 5,000 did. Here's what happened to thousands of them.



INVESTIGATES

0:00 / 0:05



■ HOW TO BUTCHER A CORPSE: In 2013, lab technician Sam Kazemi starred in an instructional video for his employer, Biological Resource Center. In it, Kazemi and an assistant use a construction saw to carve up a corpse. Reuters obtained the 24-minute video, titled "Stripped Cervical Spine!" Here's how it begins. BRC photo via REUTERS

Warning: This story contains graphic content.



INVESTIGATES

On a busy day, Kazemi might harvest body parts from five or six people who had donated their bodies to science. On this day in November 2013, the corpse before Kazemi typified the donors who gave their remains to his employer, Biological Resource Center.

The man was a retired factory worker with a ninth-grade education. He had lived with his wife in a mobile home in Mohave Valley, Arizona, and had died six days earlier, aged 75. His name was Conrad Patrick.

But after he died and his body was donated, Patrick became a commodity, known by the company's initials and a number: BRC13112103.

RELATED CONTENT



The Body Trade

Cashing in on the
donated dead

Q&A

Donating bodies, selling the parts: Frequently asked questions

Reuters reviewed thousands of internal BRC records and confidential law enforcement documents containing profiles of Patrick and 2,280 other donors. The documents include invoices and inventories for thousands of body parts harvested from those people. They show how their bodies were dissected, which body parts were sent where, and why buyers obtained them.



INVESTIGATES

surgical seminars. His head and his spine went to a project run by the U.S. Army. And Patrick's "external reproductive organs" were sent to a local university. His right foot and left knee were placed in the company's freezers, where they became part of BRC's million-dollar inventory of flesh and bone.

For more than a year, Reuters has examined America's body trade, a little-known and virtually unregulated industry. These businesses, which call themselves non-transplant tissue banks, are also known as body brokers.

The operations can resemble meat-packing plants. At BRC, body parts from heads to fingernails were harvested and sold. On Saturday mornings, Kazemi taught college students how to dismember cadavers in the company lab. He also starred in a grisly training video, demonstrating how to carve out a man's spine using a motorized saw.

The documents obtained by Reuters – along with dozens of interviews with investigators, former BRC workers and families of donors – offer an unparalleled look at how one of America's major body brokers operated.

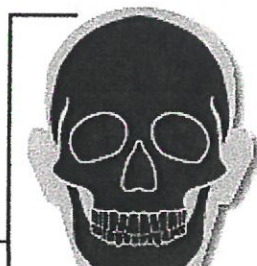
The records, never before made public, also reveal how little the government or the donors themselves understood what was happening at the company, and show in graphic detail how a cadaver becomes a commodity.

Sales invoices detail many of those transactions.

Precious commodities

Conrad Patrick died at age 75 and donated his body to science. Documents show that Biological Resource Center cut and packaged Patrick's body into seven pieces. Here is what happened to those parts:

HEAD WITH SPINE
Sent to a
U.S. Army project
Nov. 20, 2013

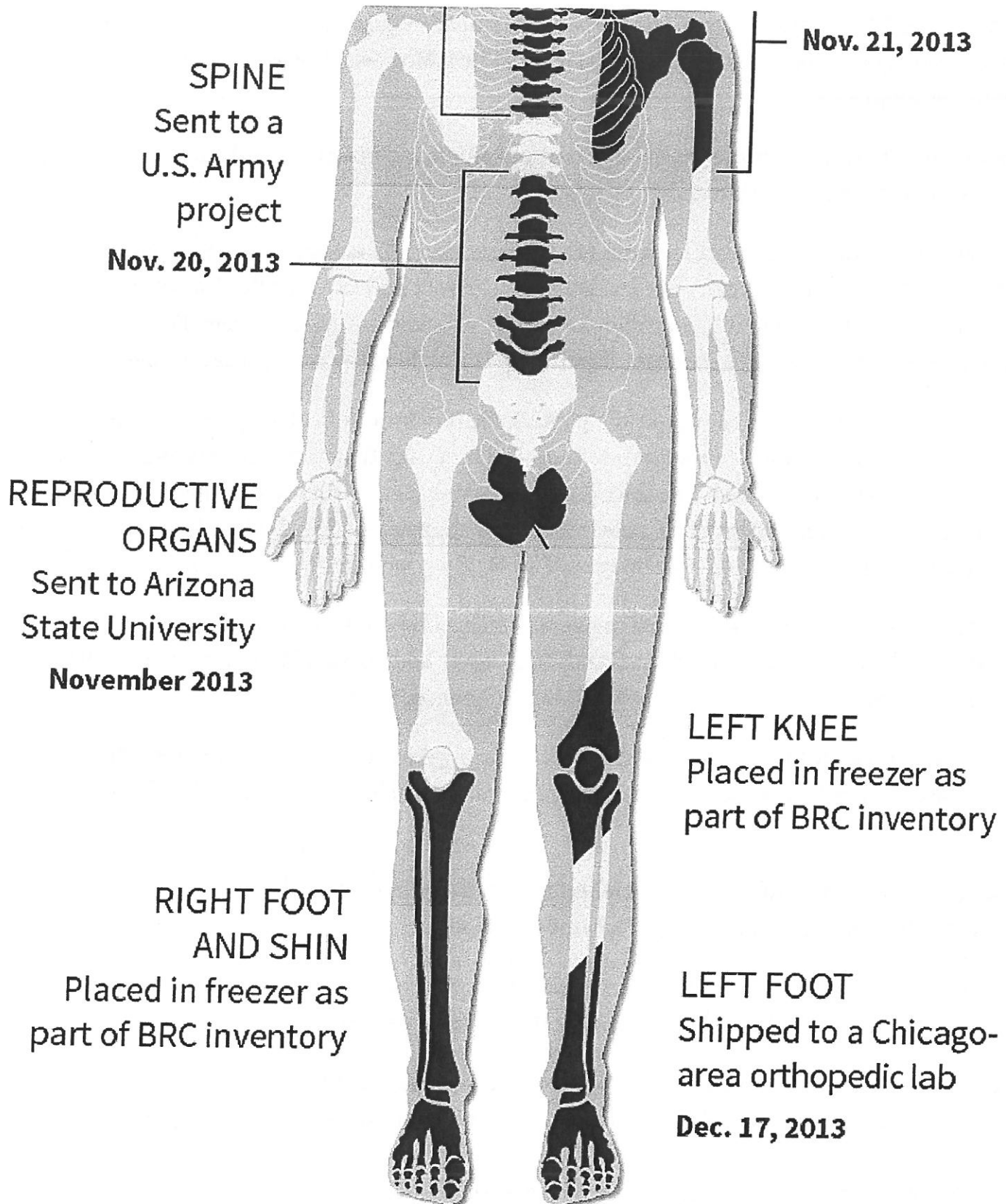


SHOULDER
Sent to a Las
Vegas surgical

Page 71 of 105



INVESTIGATES



Sources: BRC and law enforcement records



INVESTIGATES

Midwestern healthcare system paid \$65 for two femoral arteries, one from a church minister. And the lower legs of a union activist were purchased by a Minnesota product-development company for \$350 each.

For raw material, the industry relies in large part on people too poor to afford a funeral, offering to cremate a portion of each donated body for free.

A Reuters analysis of BRC donor files from May 3, 2011 through January 20, 2014 confirmed how important the disadvantaged were to business. The vast majority of BRC donors came from neighborhoods where the median household income fell below the state average. Four out of five donors didn't graduate from college, about twice the ratio of the country as a whole.

Before brokers accept a body, they typically present the donor or next of kin with a consent form. These agreements are often written in technical language that many donors and relatives say they find hard to understand. The documents give brokers the right to dismember the dead, then sell or rent body parts to medical researchers and educators, often for hundreds or thousands of dollars. At BRC, a whole body sold for \$5,893, records show.

Since 2004, when a federal health panel unsuccessfully called on the U.S. government to regulate the industry, Reuters found that more than 2,357 body parts obtained by brokers from at least 1,638 people have ended up misused, abused or desecrated.

Documents reviewed for this article indicate that those figures are vastly understated. The extent of BRC's operation surprised even investigators who raided the Phoenix-based company in 2014.

There, agents discovered 10 tons of frozen human remains – 1,755 total body parts that included 281 heads, 241 shoulders, 337 legs and 97 spines.

Applying a state forfeiture law, authorities hauled away the contents of BRC's freezers, filling 142 body bags. One bag held parts from at least 36 different people.

The seizure was so large that officials struggled to properly handle the body parts. When plans to cremate the remains stalled, officials brought three walk-in freezers to a military base and stacked the body bags inside, one atop another. Parts from 851 different people remained in those freezers for almost three years before they were cremated.

The raid on BRC was part of a broader federal probe into the suspected practices of one of its clients, Arthur Rathburn. A Detroit body broker, Rathburn has pleaded not guilty to charges of defrauding customers. During a 2013 search of Rathburn's warehouse, federal agents found



INVESTIGATES

them. He was indicted for allegedly selling diseased body parts without warning buyers. His trial is set for January.

After the BRC raid, the company went out of business. Its founder and former owner, Stephen Gore, later pleaded guilty to fraud – not for selling body parts but for misleading customers by shipping them contaminated specimens. His punishment: probation. He is expected to testify at the Rathburn trial.

78

The percentage of BRC body donors who did not graduate from college

Gore's attorney, Clark Derrick, said Gore always tried to act in the best interests of his donors. "At some point the business grew exponentially, we became shorthanded, we cut some corners, and for that I apologize and make amends," Derrick said on Gore's behalf.

PROFITING OFF THE POOR

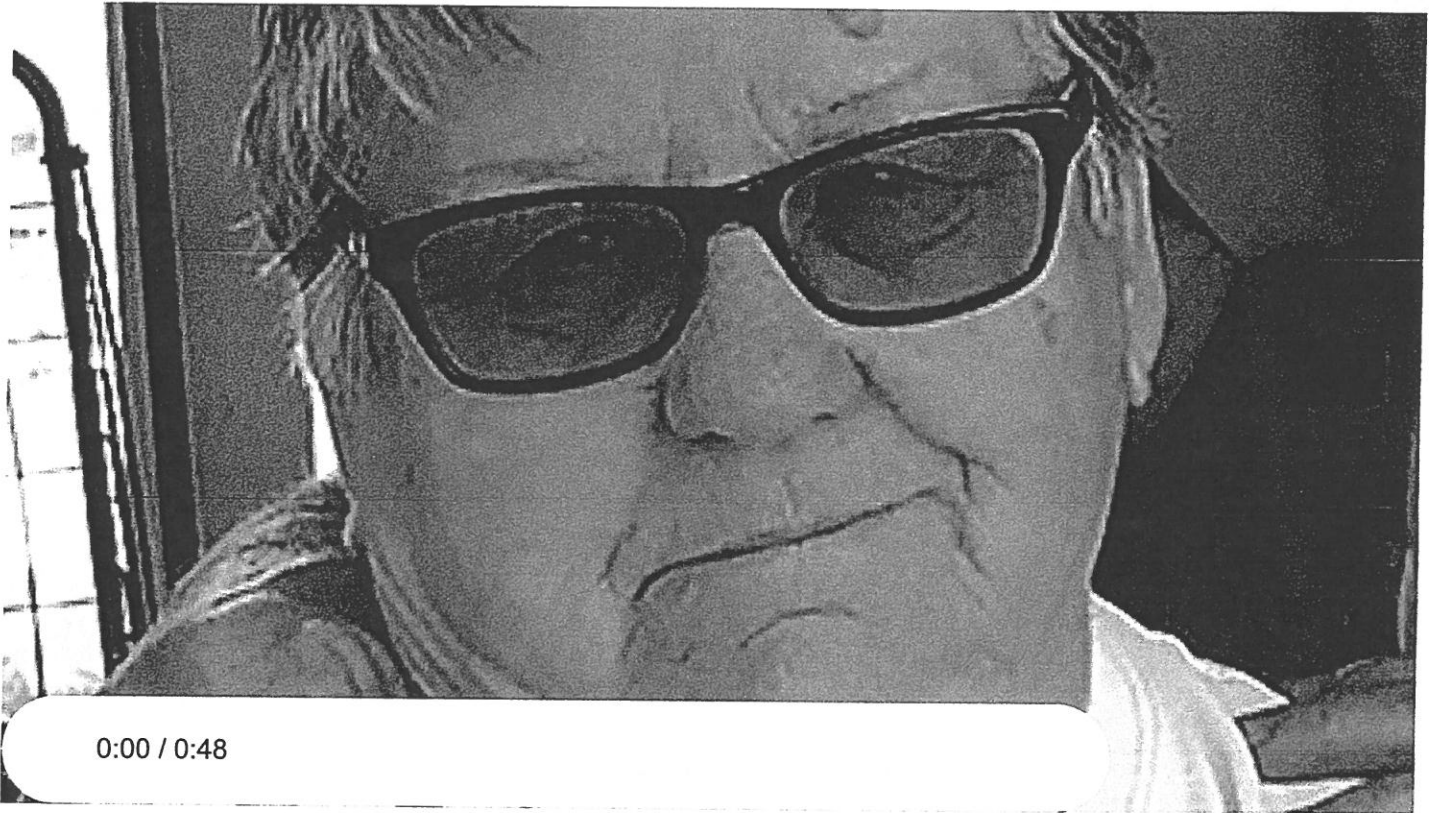
Gore housed his business in a 9,000-square-foot building once occupied by an insurance agency – a one-story facility near two interstate highways and the Phoenix airport. From 2005 until early 2014, court records show, BRC received about 5,000 human bodies and distributed more than 20,000 body parts.

As Reuters reported last year, BRC also sold body parts to U.S. Army contractors for military experiments. A Pentagon spokeswoman said BRC provided the body parts "under false pretenses," misleading the Army that consent had been secured for donors to be used in destructive tests.

Among the parts BRC sold for the Army experiments were the heads and spines of Conrad Patrick and Leon Small, a 71-year-old retiree who had once managed a furniture factory.



INVESTIGATES



0:00 / 0:48

🔊 (Audio) In this BRC recording, a company representative gets widow Dona Patrick to amend her husband's donor agreement so his body can be used in military blast tests.

But just days after Patrick and Small died, a BRC employee called their widows and persuaded them to amend the forms so their husbands could be used by the military, according to recordings of the calls reviewed by Reuters. The widows said the calls came during a traumatic time.

"I didn't understand what they were talking about," Dona Patrick said. "But I said 'OK.'"

Bodies or parts from at least 20 BRC donors were used without their consent in Army experiments, Reuters found. Parts from Small and Patrick, however, were not. The military halted testing when it learned of the raid at BRC.

The shoulders of both men were sent to a for-profit surgical training company in Nevada.

The widows, Karen Small and Dona Patrick, are among two dozen next of kin who said they were surprised to learn that BRC profited from a relative's donated body.

"They prey on people that have no money, that are poor, that have no insurance – like us," Patrick said.



INVESTIGATES

pitches, the relatives said they believed the remains wouldn't be sold. In truth, there are virtually no regulations on the body trade.

"They prey on people that have no money, that are poor, that have no insurance – like us."

Dona Patrick, whose husband donated his body to BRC

"It's a horrible thing," Small said. "Sick."

In a statement to Reuters last year, Gore said his employees took "great care to ensure that donors and their families were well-informed about the processes." Gore acknowledged at his sentencing that he relied on books and the Internet for instruction on how to handle the bodies he sold.

"HOMEMADE HORROR MOVIE"

In 2012, BRC hired lab technician Kazemi. He earned \$21 an hour. Before joining the company, his resume shows, he spent the previous decade working as a real estate agent, a waiter at a Morton's steakhouse and a manager for an Olive Garden restaurant.

When he arrived at BRC, he was 35 and had just graduated from Arizona State University with a degree in kinesiology, the study of body movement. At ASU, he was a teaching assistant in an anatomy lab.

In 2013, Kazemi starred in a BRC instructional video. It opens with a jarring title, punctuated for emphasis: "Stripped Cervical Spine!"



INVESTIGATES



CARVING TOOL: As part of an instructional video he did for employer BRC, lab technician Sam Kazemi and an assistant used this construction saw to help cut up a corpse. BRC photo via REUTERS

The video begins with a close-up of Kazemi wearing a mask, gloves, goggles and a surgical gown. Then it pulls back to reveal a body face down on a table. The man's shoulders and arms have already been sheared off. The head lolls from side to side until Kazemi holds it still.

With a scalpel, he makes incisions along the neck and back, then peels away the man's skin and scalp. About seven minutes into the video, Kazemi picks up a construction saw.

"On this one," he says of the cadaver, "we are using a sturdy, thicker 9-inch blade. You want to make sure that the blade is long enough to reach from ear to ear across the back."

In his interview with Reuters, Kazemi described the video as clinical and "not disrespectful to donors" in any way. It was meant for internal use only, he said. Kazemi also said he did not know how BRC acquired donors or where body parts were shipped.

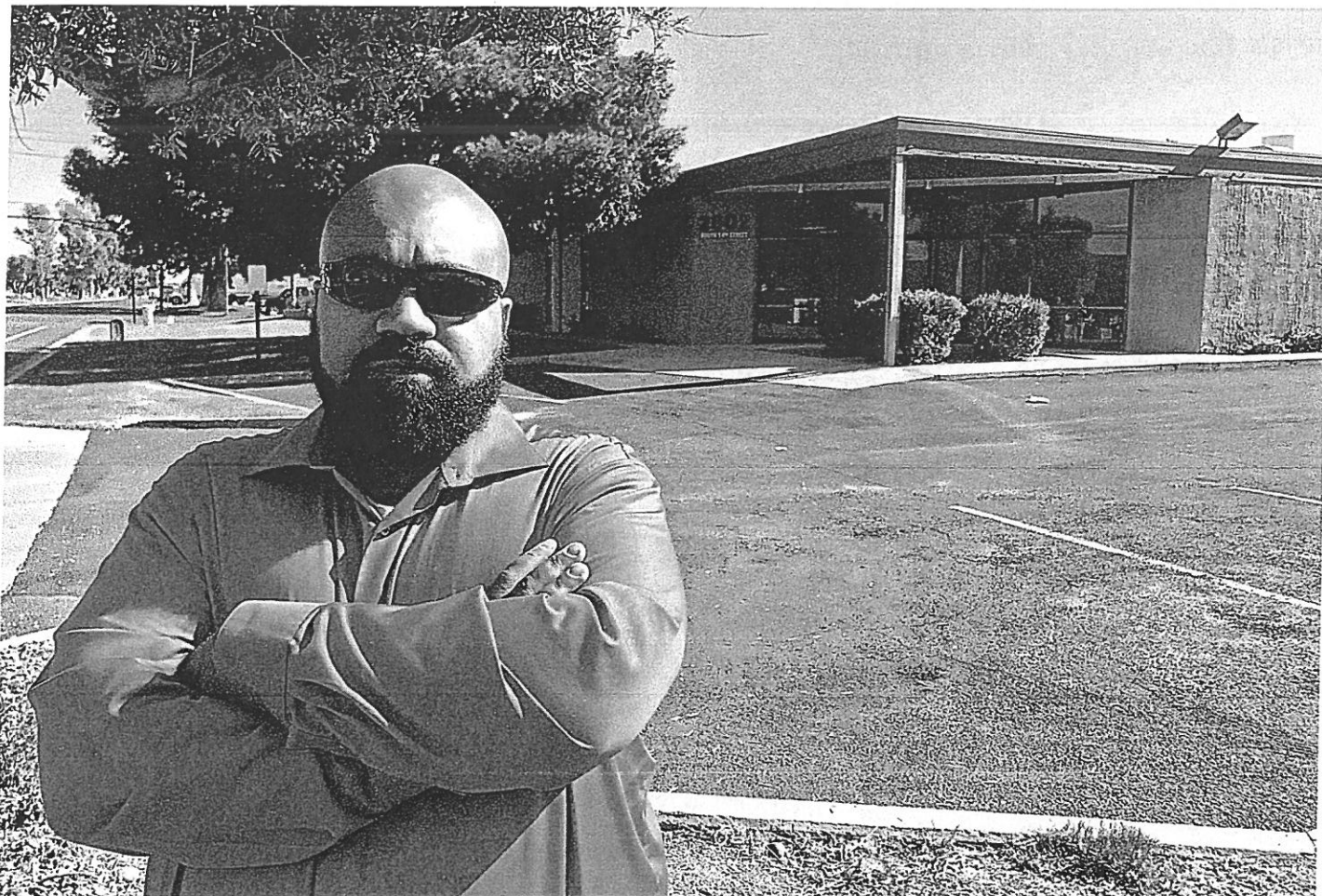
In hindsight, Kazemi said using a motorized saw was wrong because it cannot be cleaned well enough to avoid spreading diseases.

"Would I do something like that now that I know better? No," Kazemi said. "But at the time, that's what was provided to me."

Two retired investigators for the Arizona attorney general said even veteran prosecutors recoiled when they viewed the 24-minute video.



INVESTIGATES



'CHOP SHOP': Matthew Parker, a former agent for the Arizona Attorney General's Office, stands in front of the former headquarters of BRC. "It looked like a junkyard chop shop where they are just ripping things apart," he said of a company-made video that shows a body being dismembered. REUTERS/John Shiffman

"It's not how you treat human beings ... You don't throw them in a bunch of body bags and then throw them into a freezer like a pile of garbage."

Matthew Parker, former investigator with the Arizona Attorney General's Office

"I couldn't sleep at night after seeing that," said Matthew Parker, another former agent who says he retired with a disability – post-traumatic stress disorder – related to his work on the case. "It looked like a junkyard chop shop where they are just ripping things apart."

INTERNING AT BRC



INVESTIGATES

On one Saturday in late 2013, ASU junior Emily Glynn said she showed up for her first day at the lab. She was majoring in nutrition.

"I was really surprised when I got the internship because I didn't have any experience," said Glynn, then 20. "Just went in the first day and learned things on the job."

That first day, under Kazemi's direction, interns used pliers to remove fingernails from donors, Glynn recalled.

"I don't want to say it was barbaric, but it was weird," she said. "One day, I found myself holding the hand of a 70-year-old woman and felt like I needed to apologize to her, to say, 'I'm sorry.'"

Anatomical Tissue Requested:

Quantity & Description of Tissue Requested (include medical history exclusions, specific criteria & other relevant information.)	32 fingernails (no thumbnails). Need entire fingernail, no skin. Four (4) male donors and Four (4) female donors = Eight (8) total donors. Need four (4) nails from each donor = 8 donors * 4 nails/donor = 32 nails. Age: Greater than or equal to 17 years, however, older the better. Serology: No HIV, HBV, HCV or infectious disease. Preference: Prefer healthy donors without cancer or radiation treatment; if possible.		
Description of procedures, uses &/or studies being performed.	In vitro systems biology testing. Pharmaceutical and toxilogical drug development.		
Proposed start date for tissue use	July 31, 2013.	Proposed end date for tissue use	Aug. 30, 2013

FINGERNAIL ORDER: A BRC document shows a company's request for four fingernails from eight different donors.

Neither Glynn nor Kazemi knew how the fingernails were used, they said, and Reuters could not locate invoices for that order. But the news agency did identify fingernails from 22 other donors that were sold by BRC. They went to a North Carolina bioengineering research company, SciKon Innovation.

SciKon CEO Randy McClelland said he was unaware that BRC was raided by the FBI. He said his business helps companies study how products enter the bloodstream through fingernails. "Like new cosmetics that go on your skin," he said.

On another Saturday, Glynn said, Kazemi gathered the interns around the body of another elderly woman.

"He says, 'Emily, you've never cut off a head before, and everyone else has, so do you want to try?'" Glynn recalled. "And I'm, like, 'OK.'"

As she held the reciprocating saw, Glynn said, Kazemi steadied her grip.

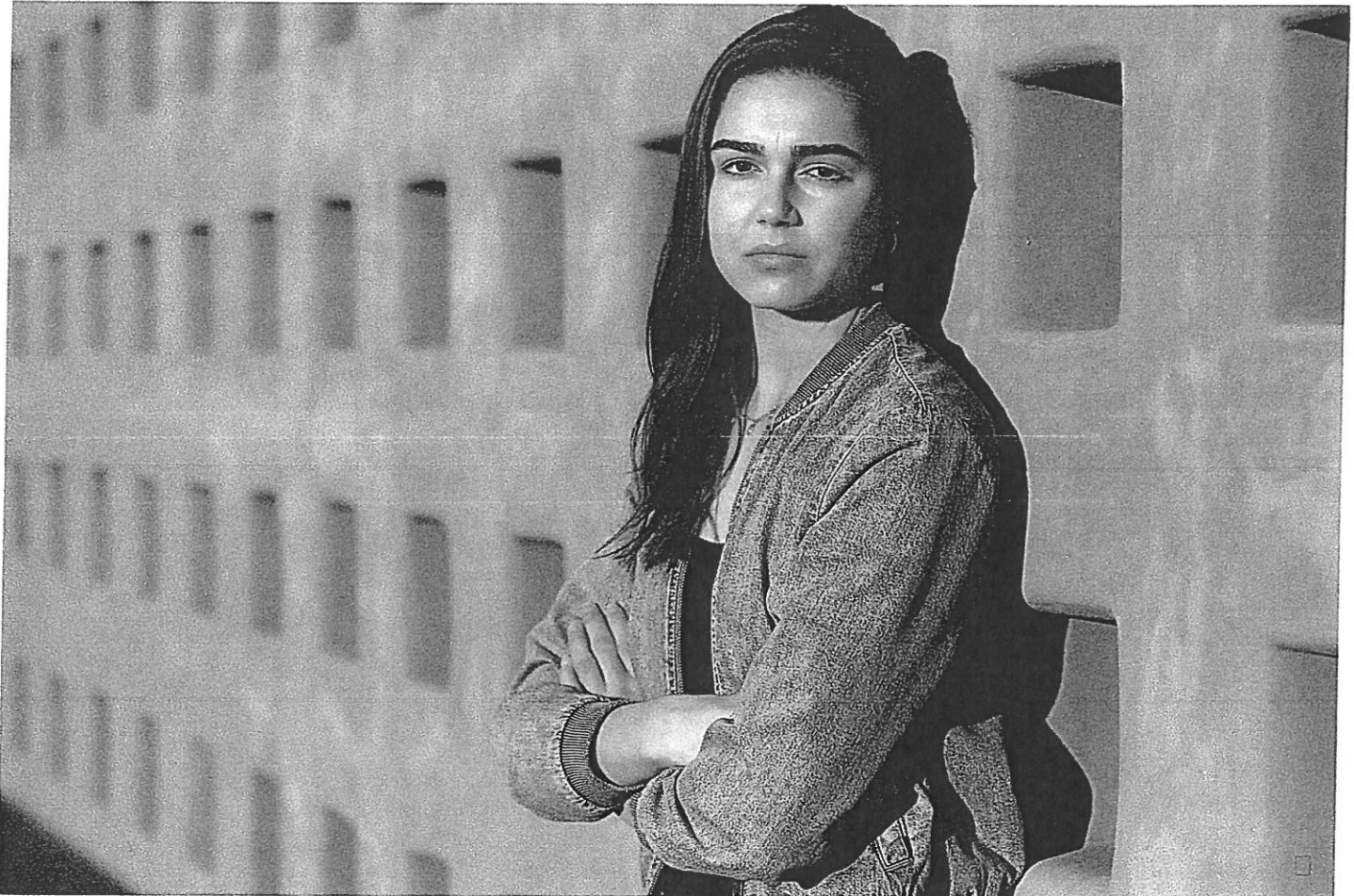


INVESTIGATES

it. It came right off," she said of the woman's head.

Kazemi said he doesn't remember helping an intern cut off a head or any other body parts. The Saturday sessions, he said, were more akin to lectures during which he showed interns various organs and other body parts.

In her senior thesis, Glynn described her time at BRC differently.



INTERN'S STORY: During an internship at Biological Resource Center, college student Emily Glynn wrote in her thesis that she "sutured dismembered legs using an oversized needle and twine, and decapitated an elderly woman with what looked and sounded like a chainsaw from Home Depot." REUTERS/Caitlin O'Hara

"One day, I found myself holding the hand of a 70-year-old woman and felt like I needed to apologize to her, to say, 'I'm sorry.'"

Emily Glynn, a former BRC intern



INVESTIGATES

legs using an oversized needle and twine, and decapitated an elderly woman with what looked and sounded like a chainsaw from Home Depot,” Glynn wrote in her thesis. “Not once did I receive formal training or instruction.”

BODY PARTS TO MIDDLEMEN

BRC’s customers were not always directly acquiring body parts from the broker for their own medical education, research or training programs. According to invoices, some customers were middlemen – brokers who resold or leased body parts originally donated to BRC. The consent forms gave BRC the discretion to choose its customers, but the forms did not state that body parts could be resold by third parties.

In 2012 and 2013, BRC sold at least 961 body parts, including at least 224 human heads, to three such middlemen.

One was Innoved Institute LLC, a Chicago-area medical lab provider that also supplies human body parts. Innoved was among BRC’s best customers. It received at least 32 shipments with 277 body parts. Innoved executives did not respond to requests for comment.

Another was Rathburn, the Detroit-area broker facing trial next month. He received at least 26 heads from BRC. Rathburn’s lawyers did not respond to a request for comment.

31

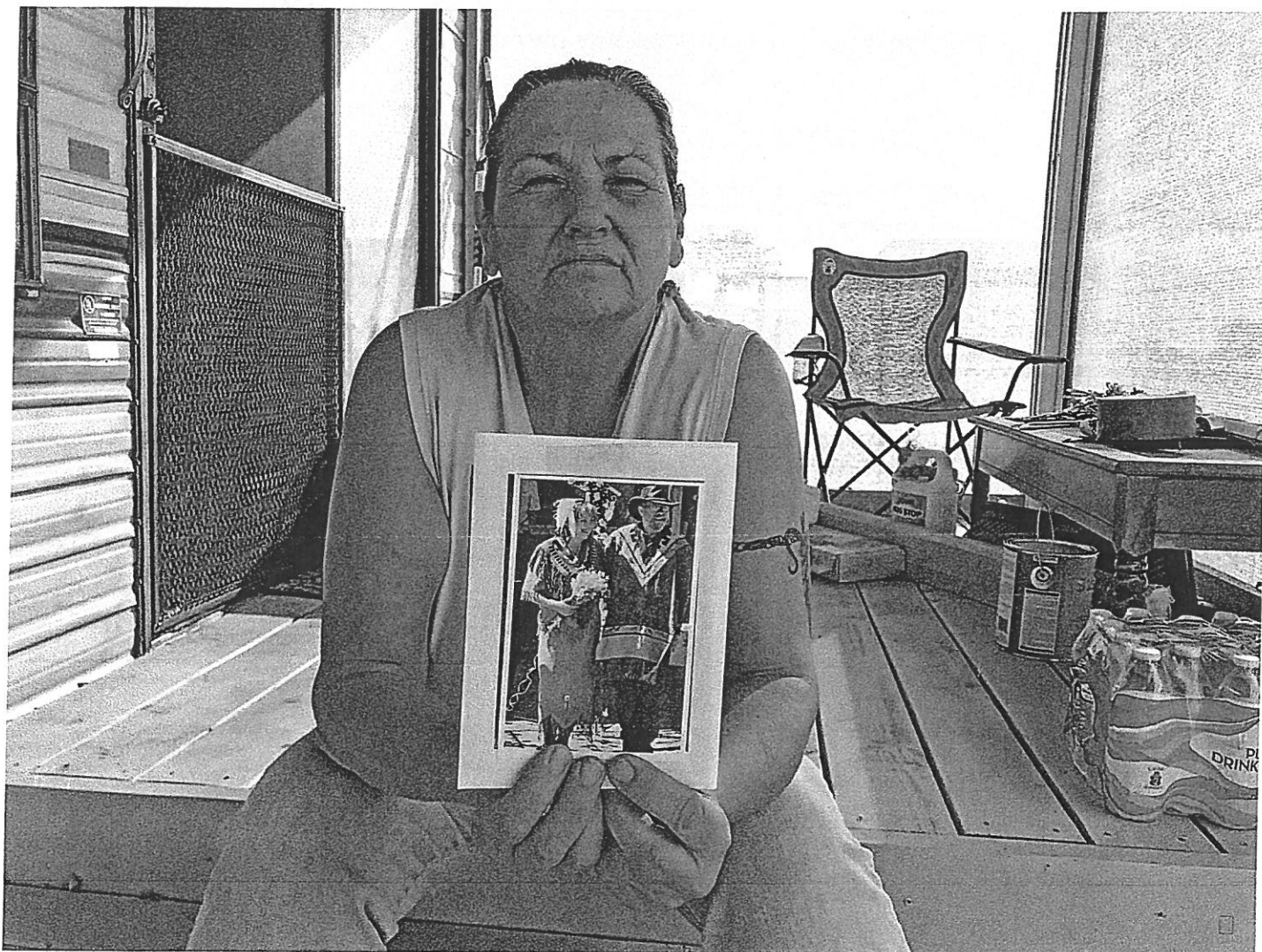
The percentage of BRC body donors who served in the military

A third middleman was Biological Resource Center of Illinois, another Chicago-area broker. Better known as BRC-IL, it received at least 658 body parts from BRC. BRC-IL operated independently from BRC. But it was also raided by FBI agents as part of the federal probe into suspected fraud against donors and customers. No one has been charged with a crime in the BRC-IL matter, and executives there did not respond to requests for comment.



INVESTIGATES

His widow, Tama DeRosier, lives in a mobile home park in Mohave Valley, Arizona. She said her husband donated his body hoping it might contribute to diabetes research. She did not expect anyone to make money selling his remains.



FIGHTING DIABETES: Tama DeRosier holds a photo of her husband Robert. He donated his body to BRC in hopes that it might contribute to diabetes research. Instead, his remains were sold. REUTERS/Reade Levinson

“That’s morbid,” the widow said. “Greed is a terrible thing.”

Russell Parker Jr, who helped care for his dying brother Todd, said he was surprised to learn from a reporter that BRC sold Todd’s right knee and offered to sell Todd’s head. Friends had recommended BRC, he said. And when the company returned his brother’s ashes, everything seemed “all on the up and up, very professional.”



CONFUSED CONSENT

The companion of one donor cited another area of confusion: BRC's use of the term "tissue."

In sales pitches and on consent forms, body brokers commonly talk about retrieving tissue from donors. To the medical community, "tissue" means any part of the body – from an organ to a torso.

"Shame on BRC for showing such disrespect. It's like trafficking."

Russell Parker Jr, after learning his brother's head and knee had been put up for sale

But in interviews with Reuters, family members of some donors said they believed "tissue" meant only skin samples. Though BRC did sell skin, those sales represented just 2 percent of its business, invoices show.

Maureen Krueger said her partner of 42 years, Fidel Silva, told a female hospice worker in his final days that he wished to be cremated.

"And that's when she brought it up: 'Would you be interested in donating tissues?'" Krueger recalled.

The way she understood it, Krueger said, a few skin samples would be removed for research purposes. In return, BRC would cremate Silva for free. Silva, a 69-year-old construction worker with a high school degree, peppered the hospice worker with questions.

"He asked, 'Well, are you sure? What are they going to do?'" Krueger said. "He wanted to know. And that's when she assured him it was only body tissues, they only took samples, they didn't remove any organs or parts or anything. It was just tissues. And that's when Fidel agreed."

The conversation took place at the Hospice of Havasu in Arizona. Its executive director, Dan Mathews, said he could not discuss the matter due to patient-privacy laws. But he said the hospice, which offers its clients options to donate their bodies to science, "removed that company BRC from our list of providers" upon hearing it was under investigation.



INVESTIGATES



BIOLOGICAL RESOURCE CENTER

Internal BRC records show the body broker removed Silva's head, and his right and left arms from shoulder to hand. Each was tagged with a tracking number and prepped for sale.

"Wow," Krueger said. "I didn't really realize they could do all that. I mean, I didn't understand that's what would happen with Fidel at all."

BODY PARTS IN LIMBO

After the raid of BRC by federal and state agents, the body parts seized by authorities remained in limbo for almost three years. Their fate, detailed in confidential state logs, sworn statements and photographs, has never been made public.

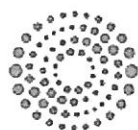
Logistical problems began the day of the raid, said former agents Parker and Loftus. Authorities were stunned to find so much human flesh inside BRC, they said.

"We expected two freezers and a few hundred pounds of body parts," said Loftus, who's now running for state representative. "Instead, we found 40 freezers with 10 tons of bodies and parts."

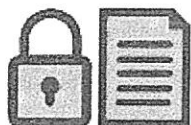
Agents entered in hazmat gear and took biopsies from each body part to preserve as evidence. Records show the agents then placed the 1,755 parts into 142 body bags.

The bags were sent to 10 local funeral homes so the remains could be cremated. But records and interviews show that BRC and others for whom it was storing body parts objected to their destruction. They argued that the parts had a value of more than \$1 million.

REUTERS INVESTIGATES



More Reuters investigations and long-form narratives



Got a confidential news tip? Reuters Investigates offers several ways to securely contact our reporters



INVESTIGATES

parts, and the mortuaries began to complain that some of the parts were starting to thaw.

As a solution, authorities obtained three walk-in industrial freezers and installed them at a military base used by the Arizona National Guard. Then, body bag by body bag, the mortuaries delivered the parts, and Loftus and Parker helped carry them into the freezers.

In an interview, Parker recalled feeling body parts sloshing around inside the bags as he moved them. Some bags leaked blood that stained his pants and shoes. The experience led to his PTSD diagnosis, he said.

“It’s not how you treat human beings, human remains,” Parker testified in a deposition as part of his PTSD claim. “You don’t throw them in a bunch of body bags and then throw them into a freezer like a pile of garbage.”

The spokeswoman for the Arizona Attorney General’s Office said the body parts were kept for federal authorities “as evidence in ongoing criminal investigations and prosecutions across the country.” An FBI spokesman declined to comment. In February, after almost three years in the containers, the remains were cremated and returned to families that requested them, the state spokeswoman said.

In response to the Gore case, the Arizona governor signed into law a bill that requires body brokers like BRC to be licensed and regularly inspected. The new law calls for brokers to follow a set of standards and to hire a medical doctor to supervise company practices.

Although the law was adopted a year and a half ago, it has yet to be enforced: The state health department still must create specific rules for brokers. It isn’t clear when it will. Health department officials, said a spokeswoman, “do not have an anticipated date of completion at this time.”

The Body Trade

By John Shiffman, Reade Levinson and Brian Grow

Data analysis: Reade Levinson

Graphics: Maryanne Murray

Photo editing: Steve McKinley

Design: Troy Dunkley

Edited by Blake Morrison



Follow Reuters Investigates  



INVESTIGATES

Cashing in on the donated dead

The Body Trade

A REUTERS SERIES



REUTERS/Jeong Suh

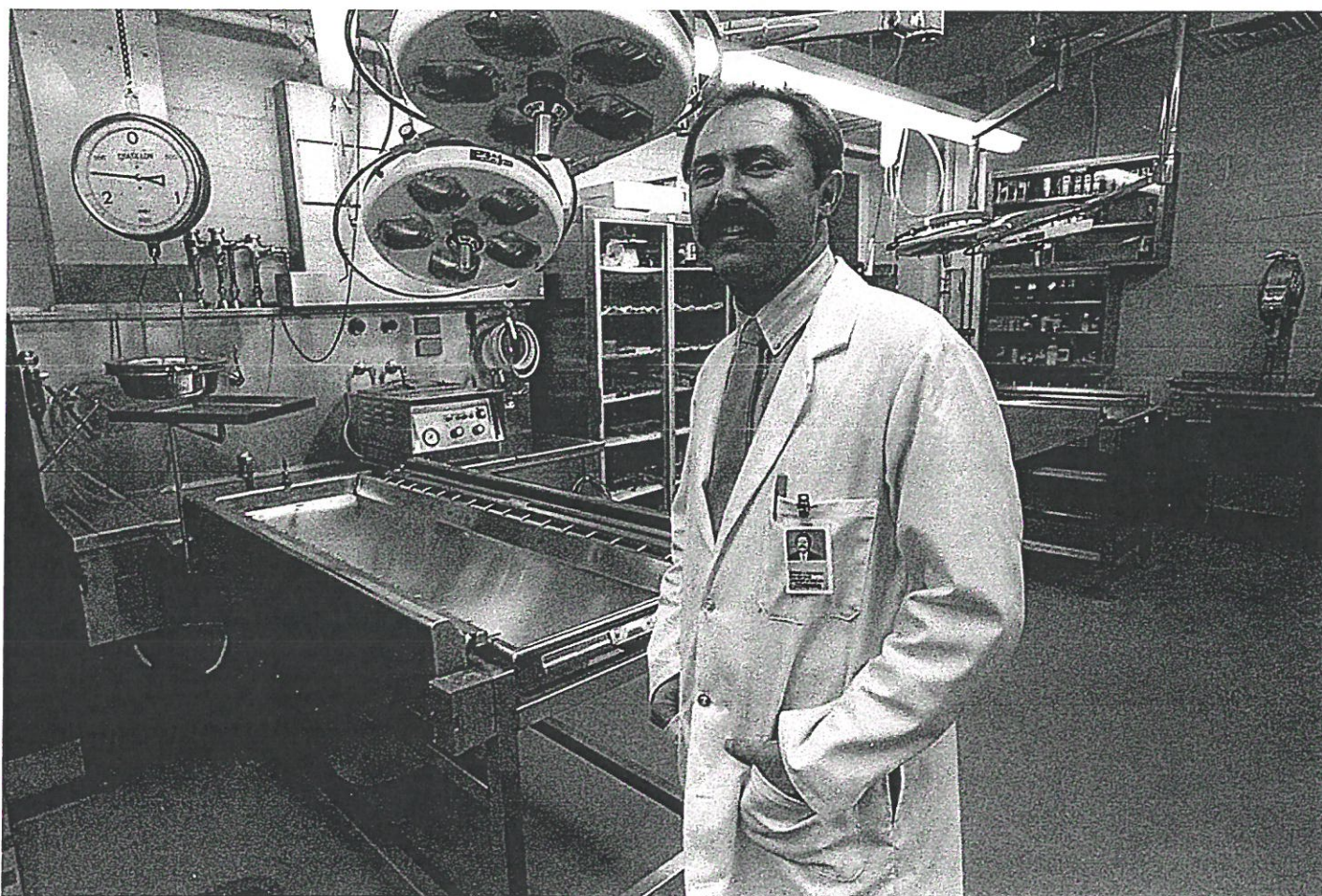
In a warehouse of horrors, body broker allegedly kept human heads stacked on his shelves



INVESTIGATES

with a chainsaw and renting HIV-infected parts to medical professionals. Prosecutors hailed his arrest as a crackdown. But for years, Reuters found, authorities let him do business despite signs of his bizarre practices.

By JOHN SHIFFMAN and BRIAN GROW | Filed Oct. 31, 2017, 11 a.m. GMT



EARLY DAYS: Arthur Rathburn at the University of Michigan, before he became a full-fledged body broker. REUTERS/Courtesy of Peter Yates



DETROIT – When U.S. authorities arrested Arthur Rathburn last year, they hailed their investigation as a milestone in efforts to police a growing industry: brokers who acquire bodies donated to science, dissect them and sell or lease the parts for profit.

The indictment alleges that Rathburn stored bodies destined for medical education and training in grisly conditions and dismembered them with a chainsaw. He is accused of endangering clients, mostly health care workers, by renting them cadavers and severed heads that were infected with HIV and hepatitis.

A government news release touted the arrest as “a significant step,” one that demonstrates that protecting the public is “a high priority.”

But authorities missed repeated opportunities to rein in Rathburn, Reuters found. Warning signs about his activities date back more than a dozen years.

In the mid-2000s, for example, New York state health inspectors twice reprimanded him for failure to provide documentation that bodies he acquired were in fact willingly donated. Rathburn also had been on the radar of federal authorities since 2010, when border agents first questioned him about 10 heads he was transporting from Canada, court records show.

Over the next three years, agents documented five similar cross-border shipments, one that included a severed penis. But agents did not raid Rathburn’s warehouse until December 2013. In the meantime, he acquired, sold and rented out more bodies and parts.

The failure to intervene sooner shows how easily brokers can evade government scrutiny and points to a gap in U.S. law surrounding the body trade, an industry that typically targets the poor with incentives such as free cremation. Rathburn and his then-wife were charged with defrauding customers, not with selling or desecrating human remains.



INVESTIGATES

RELATED CONTENT



The Body Trade

Cashing in on the
donated dead



Criminals, slaves and minorities: the body trade's unseemly past

Q&A

How is this different from organ donation? Frequently asked questions about body donation

"The FBI told me they found my sister's shoulder" inside Rathburn's warehouse, said Carol Keenan. Her sibling had donated her body in 2013, hoping to aid cancer researchers.

"It was hard enough to lose her, but this has been devastating," Keenan said. "I was shocked when I learned there's no regulation – that any Joe-fly-by-night can start up a company and nobody knows what he's doing."



INVESTIGATES

pleaded guilty to one count of fraud and is cooperating with prosecutors. Neither the Rathburns nor their attorneys responded to requests for comment for this story. The FBI also declined to comment.

CALLS FOR PROTECTION

A chance to establish national standards governing body brokers came in 2004, after disturbing reports emerged about the nascent industry.

In one case, police arrested a California university employee for secretly selling donated cadavers. In another, the U.S. Army admitted that bodies originally donated to a university for educational purposes were used in landmine experiments. Harper's Magazine also published a 10-page exposé on body brokers, briefly citing Rathburn as a supplier.



FBI RAID: After agents searched Arthur Rathburn's warehouse, they said they found "thousands" of body parts. Steve Neavling via Reuters



INVESTIGATES

body parts trade that already governed organ transplantation.

Nothing came of the panel's recommendation.

Since that failed effort, the market for body parts has grown, and abuses abound, some reminiscent of those the 2004 federal panel sought to prevent. A Reuters review of court, police and internal broker records and interviews identified more than 2,357 body parts obtained by brokers from at least 1,638 people that were misused, abused or desecrated.

The customers include the U.S. government. As Reuters reported in December, the Army used heads, arms and legs from more than 20 bodies in blast experiments in 2012 and 2013, even though donors had not given permission. In one of the most egregious examples, the military used the body of an Army veteran who signed a donor form two months before he died of cancer in 2013. The man was so angry about the poor health care provided by the U.S. Department of Veterans Affairs that he checked "No" to military experimentation on the consent form. It didn't matter. His body was used in a violent Army test anyway.

An Army spokeswoman said the military was deceived by its supplier and never "knowingly used the bodies of donors against their wishes."

Asked about the federal panel's 2004 call to regulate body brokers, a U.S. Health & Human Services Department spokesman said the agency was under "no obligation" to accept the recommendation. How and whether to police the industry, spokesman Martin Kramer added, is left to each state.

Most states, including Michigan, don't regulate body brokers closely, or at all. In those states, a broker may legally sell a donated cadaver or its parts, such as heads and arms, so long as the remains are not intended for transplantation. Only 10 states provide any oversight. Just a handful require licensing or disclosure.

As a result, donors and their families are left to rely on the good faith of the people who run the programs, said retired anatomy professor William Burkel, who supervised Rathburn at the University of Michigan when they both worked there in the 1980s.



using industry-standard, sterilized autopsy equipment, ARTHUR RATHBURN

used a chainsaw, band saw, and reciprocating saw to dismember bodies without

taking sanitary precautions. In addition, ARTHUR RATHBURN stored human

GRUESOME ALLEGATIONS: A January 2016 federal grand jury indictment of Arthur Rathburn alleged that he used chainsaws to dismember bodies and failed to use sterilized equipment. Source: U.S. government court filing

“Because the laws vary so much from state to state,” Burkel said, “there is a lot of opportunity for people like Mr. Rathburn to do it without any sort of oversight.”

Rathburn’s alleged victims included not only donors and their families but also the doctors, dentists and other health care workers who acquired parts from him.

Steve Schomisch, who directs surgical training at Case Western Reserve School of Medicine in Cleveland, learned recently how unregulated the industry can be. Federal authorities told him that a head Rathburn supplied to train Case Western neurosurgeons in 2013 was among a number of body parts that could not be traced to a donor, raising questions about the donation’s legitimacy.

“We felt betrayed,” Schomisch said. “Then we said, ‘What can we do to make sure this doesn’t happen again?’”

Schomisch formed a university committee to research the way the industry supplies body parts; the panel found little oversight and few rules. Today, Case Western leases only from a handful of pre-screened brokers that follow standards established by the American Association of Tissue Banks, a national accrediting organization.

“It’s such a difficult decision whether to donate,” Schomisch said of people who bequeath their bodies. “I think you just assume that by donating, you’re doing something good. But people like Art Rathburn tarnish that.”

“A CHARISMA ABOUT HIM”

Rathburn was hired in 1984 by the University of Michigan body donation program, which uses cadavers for anatomy classes and research. He was 30 years old with a community college degree and a work ethic that endeared him to better-educated colleagues.



INVESTIGATES

Rathburn arrived at a critical time. University archives show that Rathburn helped the program rebound from complaints by donor families about poor customer service.

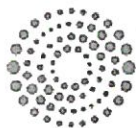
“He was just energetic, doing something all of the time,” said Burkel, who led the program during those years. “He had a lot of ideas.”

One merited publication in a scientific journal and a patent: “A State-of-the-Art Embalming and Autopsy Station,” a device that promised safer and easier preparation of dead bodies.

In 1988, Rathburn was prominently featured in the monthly Ann Arbor Observer newspaper. He expounded on the significance of cadavers in the classroom and told a whimsical tale about his entry into the business – a friend bet him \$10 he wouldn’t fill out a funeral home job application. He did. In a photograph accompanying the story, Rathburn wears a tie, lab coat and broad smile.

Two years later, however, Rathburn left the school, records show, following unspecified allegations of misconduct. He obtained a court order barring release of his personnel records. But recently, two people with direct knowledge disclosed the alleged transgression: Rathburn mishandled the donor ashes, a cardinal sin in the funeral industry.

REUTERS INVESTIGATES



More Reuters investigations and long-form narratives



Got a confidential news tip? Reuters Investigates offers several ways to securely contact our reporters

With that information shielded from public view, Rathburn set out in the early 1990s to sell body parts.

One person Rathburn impressed was Ed Eichenlaub, then a doctor’s assistant in Pittsburgh who began working with him to supply body parts for research and surgical seminars.

“I would call up Art and say, ‘I need half a dozen human heads,’” he said. Later, Eichenlaub said, he worked for Rathburn handling body parts at medical seminars in New Orleans, San Francisco and Chicago.



INVESTIGATES

special person to do this.”

“THOROUGH EXAMINATION”

One reason entrepreneurs like Rathburn can avoid scrutiny is the patchwork of state laws relating to the sale of body parts. Only 10 states provide meaningful oversight, and almost all of them do it differently.

For example, Virginia and Florida regulators need to give advance permission before a broker may bring body parts into the state for research or training. In Oklahoma and Oregon, regulators do not require prior approval to ship individual body parts, but they do inspect brokers regularly and require stringent record-keeping.

In two of the 10 states, the laws do not appear to be a high priority. In New Jersey, an official said, a 2008 law restricting the business to nonprofits and requiring brokers to register with health authorities hasn't been implemented, because the legislature failed to authorize funds. In Maine, a state spokesman said that although the law requires brokers to be registered, officials haven't bothered to create rules because no one has ever applied for a permit.

Perhaps no agency in America imposes tighter controls on body brokers than the New York state health department. New York requires licenses, inspections and annual statistical reports – for any broker, even those not based in the state, that ships body parts to customers in New York. State health officials travel around the country to inspect brokers.

Still, neither New York's laws nor its regulators were enough to stop Rathburn, according to a review of court documents and state health records obtained under open-records laws.



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Deficiency number 3. Section 52-2.9(1)(2). Your plan of correction does not address the core of this deficiency – that documentation of donor consent or consent of

“CORE” PROBLEM: The New York Department of Health repeatedly tried to get Arthur Rathburn to maintain donor consent forms that would prove the human remains he obtained had been willingly granted. Source: New York Department of Health, 2005



INVESTIGATES

that demonstrate how body parts can enter a black hole of accountability after being donated, dissected and shipped to customers. Among the problems: Rathburn could not produce documents proving that bodies were donated willingly.

“There are no such records for whole bodies and body segments received for use at the facility,” the report said.

Rathburn, the records show, contended that privacy laws and supplier policies prevented him from providing such proof. New York officials said that was no excuse for not supplying consent forms.

“Your plan of correction,” inspectors wrote him in 2005, “does not address the core of this deficiency.”

In 2006, officials told Rathburn he could no longer ship body parts to New York until he resolved their concerns. In 2007, New York health officials issued Rathburn a provisional license, allowing him to resume operations there.

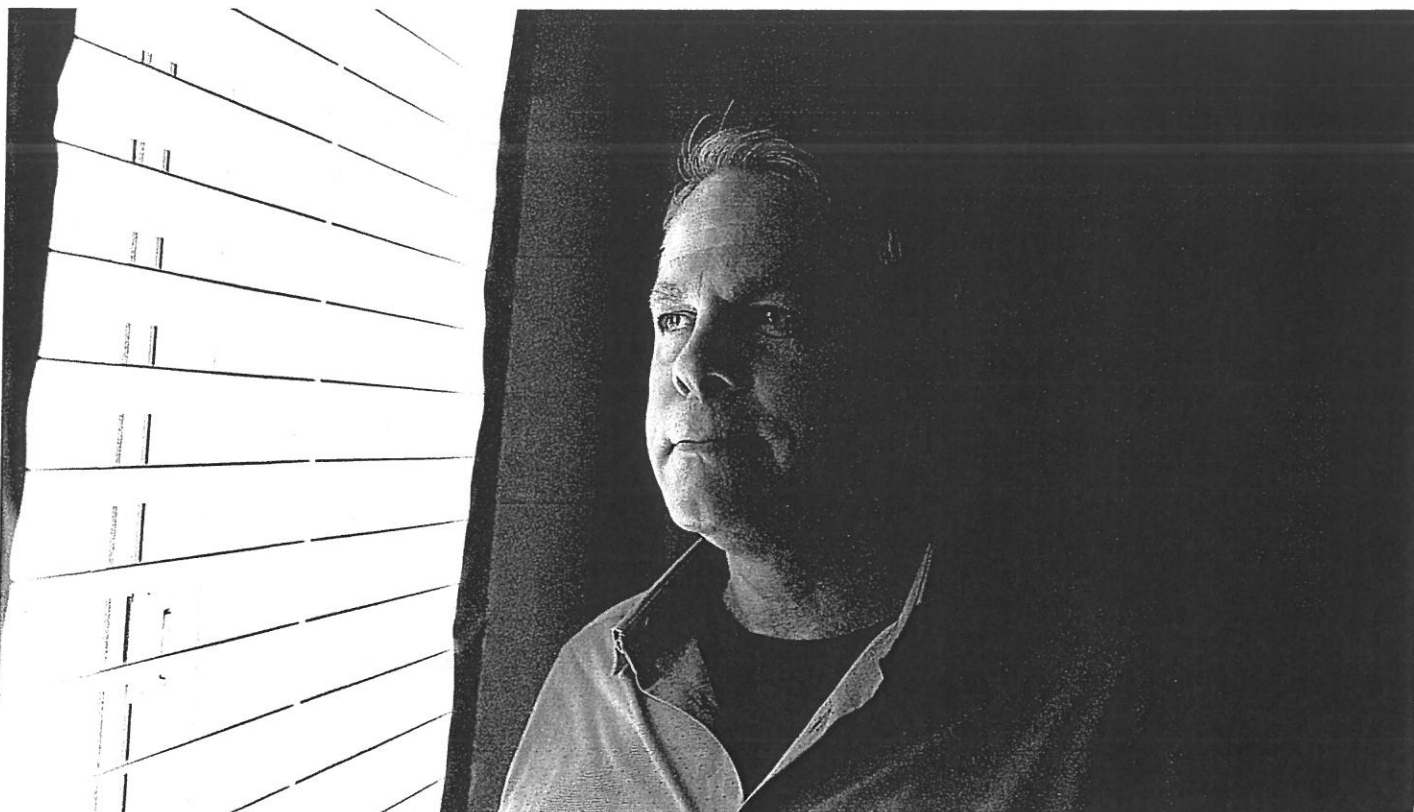
In a statement to Reuters, New York officials said they conducted a “thorough examination.” A New York health official added that her agency did not notify Michigan authorities at the time because “such a regulatory agency does not exist” in that state. The official did not elaborate on what agency that might be.

The records show that, from 2005 through 2007, Rathburn’s business continued unabated outside New York as he distributed more than 200 severed heads.

At least one broker voiced concern during this period. Walter Mitchell, former owner of BioGift, an Oregon body donation firm, said he stopped supplying body parts to Rathburn after a 2006 incident. A week after shipping two human torsos to Rathburn in Detroit, Mitchell got a call from the airline that transported them. No one had picked up the packages at the airport.



INVESTIGATES



BAD SHIPMENT: Veteran body broker Walter Mitchell once sold human parts to Arthur Rathburn. He stopped in 2006, he says, after an airline official told him Rathburn had failed to pick up two human torsos shipped to Detroit's airport. REUTERS/Caitlin O'Hara

"When are you going to come?" an airline employee asked, according to Mitchell. "The coolers are leaking and it smells." Rathburn ultimately picked up the torsos, Mitchell said.

"ILL-CONCEIVED PLAN"

In the mid-2000s, Rathburn launched an ambitious expansion, one that would lead to bankruptcy.

For \$1.8 million in 2005, Rathburn's company bought a funeral home and warehouse in Richmond, Virginia. People familiar with the deal said he chose the properties because they were strategically located near two interstate highway exits, a convention center and a medical school. The neighborhood also was on the upswing.

"They were going to bring in loads of cadavers to be stored at the warehouse and, as needed, transferred to the funeral home, then to medical training events," recalled former city councilman Bill Pantele. "Having invested a lot of years in revitalization of that neighborhood, I thought, 'This is a bad idea.'"



INVESTIGATES

show, debts mounted.

By late 2008, when Rathburn's company declared bankruptcy, it reported assets of \$72,130 and debts of \$621,905. It owed \$210,402 in back taxes and at least \$175,000 to companies supplying body parts. In court records, Rathburn described the Virginia venture as "an ill-conceived plan."

As part of the bankruptcy filing, Rathburn provided a list of assets. The inventory included 14 chairs, 10 file cabinets, 91 heads, 18 spines, six hips and a copy of the Hippocratic Oath. He put the total market value of the body parts at \$160,900.

WARNING SIGNS

Despite the bankruptcy, Rathburn continued to operate. Through 2013, six body brokers shipped him more than 800 body parts worth hundreds of thousands of dollars, court and New York health department records show.

And federal authorities came into contact with Rathburn or his employees a dozen times – including six border crossings – from 2010 through 2013.

In 2010 and again in 2011, federal law enforcement records show, Rathburn was stopped returning from Canada. Each time, he was carrying 10 human heads.

In 2012, picnic-style coolers containing eight heads in red liquid arrived at the Detroit airport. Border agents confronted Rathburn. Among the lies agents allege Rathburn told them was that the liquid wasn't blood, but Listerine mouthwash, used to preserve specimens.

The alleged lies to the federal agents appeared to accelerate the investigation of Rathburn, court records show, though no one intervened to search his warehouse or stop his business. Seven months later, his indictment alleges, Rathburn sent a cadaver infected with Hepatitis B and HIV to a medical convention in Washington, D.C. No attendees were harmed, although they would not learn of the potential danger for years.

In August 2013, New York officials inspected the Detroit warehouse once more – and again reported problems with Rathburn's ability to keep proper records for each body part. No other action was taken against him at the time. Rathburn continued to acquire bodies for \$5,000 and heads for \$500 until late 2013.



INVESTIGATES



SEEKING JUSTICE: The head and other body parts of Glorious Pearl Jeffries, in the framed picture here, were in Arthur Rathburn's warehouse. Daughter Lachell Jeffries-Hanson is furious. REUTERS/Joshua Lott

"Rathburn stored human heads by stacking them directly on top of each other without any protective barrier."

FBI filing

Among those remains: the head, two legs and a shoulder from Glorious Pearl Jeffries, according to her daughter, Lachell Jeffries-Hanson. The Chicago-area wedding planner, who died at age 72 of a pulmonary embolism, hoped her donation would educate others, the daughter recalled. The daughter said the FBI told her recently that the donation firm that took her mother's body distributed some of its parts to Rathburn.

"You don't really read through everything," Jeffries-Hanson said of the donation paperwork she signed. "I was distraught."



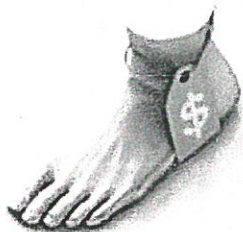
INVESTIGATES

“Rathburn stored human heads by stacking them directly on top of each other without any protective barrier,” authorities said in a court filing.

The FBI began informing next of kin with a form letter: “There is nothing that I can say that can make this news easy for you. As a victim, however, you have the right to know the truth...”

“We want justice,” Jeffries-Hanson said. What troubles her most, she said, is that her mother’s head, which she thought had been cremated, was sitting on someone’s shelf. “That’s her face, that’s her brain, that’s her, that’s what made her function.”

Rathburn was arrested in January 2016. By then, he told agents, he was homeless and living out of his van.



Criminals, slaves and minorities: the unseemly past of the body trade

By JOHN SHIFFMAN

Body donation was not always considered the altruistic act it is today. It was also rarely voluntary. The earliest subjects included executed criminals, the indigent and victims of grave robbery.

“Doctors and students took for dissection the bodies of the losers of society,” said Michael Sappol, a former National Library of Medicine historian and author of “A Traffic of Dead Bodies.” “Until the 1950s, most were not consensual, and they were minorities – blacks, Mexican-Americans, Chinese-Americans and the Irish.”



INVESTIGATES

Milestones included the development of anesthesia in 1846, and the X-ray in 1895.

To reduce body-snatching, early state laws granted medical schools access to unclaimed bodies. As the schools flourished, demand grew for cadavers, Sappol said, but rules and oversight varied.

That changed shortly after the world's first heart transplant in 1967, raising concerns about the sale of organs.

In 1968, legal experts drafted the Uniform Anatomical Gift Act, a template to help states create their own laws and designed primarily for the organ transplant industry. The template and state laws have evolved since then, but the vast majority of states do not regulate the commercial trade in non-transplant body parts. University of Iowa law professor Sheldon Kurtz, who co-led 2006 revisions to the template, said debate on changes focused on transplant organs, not other body parts.

Relevant laws have not kept pace with changes in technology, culture and new business opportunities, said Boston College law professor Ray Madoff, author of "Immortality and the Law: The Rising Power of the American Dead." Most people are surprised to learn, she said, that once a body is donated, relatives surrender legal control over what happens next.

"Any instructions you leave with regard to your body are really advice," Madoff said. In this regard, the law hasn't much changed in a century.

The Body Trade

By John Shiffman and Brian Grow

Photo editing: Steve McKinley

Illustrations: Jeong Suh

Design: Troy Dunkley

Edited by Blake Morrison



Follow Reuters Investigates  

Schwantes, Mary

From: Coney, Lisa <Lisa.Coney@Dignitymemorial.com>
Sent: Tuesday, August 28, 2018 10:53 AM
To: Schwantes, Mary
Subject: FW: Identification (Viewing) Definition

Good morning Mary. I have been giving some thought to the concern about identification/viewing and specifically how that is currently interpreted as prohibited for direct disposers. I think identifications are prudent whenever available and we would want to accommodate if possible. Discussed potential solutions with Kellie Hoodiman (who oversees direct disposers) and Wendy Wiener. I know that your deadline has passed and don't expect this to be available for the next agenda. I did hope that providing some language might be of help to you and wanted to provide it for whenever this issue may arise again.

There is already a definition 407.005 (36) "Funeral" or "funeral service" means the observances, services, viewing, visitation or ceremonies held to commemorate the life of a specific deceased human being and at which the human remains are present.

Viewing/visitation is assumed to be a ceremony or observance but could be specifically included as shown to provide more clarification.

Additionally, we could consider adding a new 497.005(41) "Identification" of a deceased human body is the act of positive identification by a legally authorized person or up to two representatives of a legally authorized person for no more than 5 minutes for the express and sole purpose of identifying the human remains prior to final disposition.

It may also include clarifying language like: Identification is not required by law and does not include any rites or customs commonly associated with funeral services. Embalming is not required for an identification. Identification may be performed by use of photograph, closed circuit television or similar electronic means. These are questions that are sure to come up and a specific definition may provide both the licensees and the division help in education and enforcement. I thought about the need to add license types or something that specially allows the licensee contracting with the legally authorized person for the final disposition. Perhaps shown as licensees under Parts III and VI, by specific type or shown to be established by rule.

Hope this is helpful. Look forward to seeing you in Tampa and always available sooner if I can be of any assistance.

Lisa Coney
407-636-1995 M
855-520-9906 Efax



Schwantes, Mary

From: garry tillis <garryfred61@gmail.com>
Sent: Thursday, August 30, 2018 4:18 PM
To: Schwantes, Mary
Subject: Re: direct disposal est./ person in charge

On Thu, Jul 19, 2018 at 4:29 PM garry tillis <garryfred61@gmail.com> wrote:

Dear Mary thank you for taking the time to speak with me on Thurs. I am a Lic. Direct Disposer since 1993 paid my Lic. fee and completed the c e.classes in good faith hoping one day I would be in the position of maybe having my own business. Well in Sept. 2010 that changed thanks to Ken Roberson of North Port who wanted a funeral director to be in charge of all D.D. est.I spoke to marti coley in 2010 and she told me nothing could be done about it. He had told her that they were coming in here setting up shop and ripping the old people off.I still don't see evidence of his claim but I decided to lay low until he termed out of the house of reps.somehow it passed without one nay and no grandfathering of those Lic. before Sept.30 2010 unless you were in charge of the est. at the time.this is so not right.The statute clearly states direct disposition is not funeral directing so why would you need to take a direct disposer out of that position and put a funeral director in charge of a D.D. Est. business.I would like to see direct disposers able to be in charge of the profession again that they sighed up for and trusted the state of Florida to do the right thing and live up to their end of the deal they promised me when I sat down in Orlando 25 years ago to take the exam.I also think maybe bumping up the educational requirements to become a Direct Disposer might make sense such as adding a few more college courses .I will not be able to make the Tallahassee work shop on the 23rd but will be at the work shop in Tampa in hopes of getting a wrong made into a right. in the mean time I will be talking to a few representatives to get their take the on the matter. I have faith in the state and hope we can get this matter back to where it should have been all along. Thanks again for all your help, yours truly, Garry Tillis 850 960 1617

Schwantes, Mary

From: garry tillis <garryfred61@gmail.com>
Sent: Thursday, September 13, 2018 11:58 AM
To: Schwantes, Mary
Subject: my input miami workshop

dear ms. schwantes, i have send to you via us mail my input for the oct. miami workshop if you would present it at that time i would appreciate it very much.thank you so much garry tillis

Schwantes, Mary

From: garry tillis <garryfred61@gmail.com>
Sent: Friday, September 14, 2018 10:22 AM
To: Schwantes, Mary
Subject: Re: my input miami workshop
Attachments: image001.png

dear ms. schwantes, i included a few more things in this request that needs to be looked into and discussed. i was hoping to be at he tampa meeting that was cancelled i will not be able to be at the miami meeting but hoping to be at the next tampa workshop thank you so much for all your help have a great week end garry

On Thu, Sep 13, 2018 at 12:54 PM Schwantes, Mary <Mary.Schwantes@myfloridacfo.com> wrote:

Mr. Tillis,

I received your original emailed comments regarding direct disposers/person in charge on July 19th. Your comments were included and discussed in the workshop which took place on August 2nd. I have another email from you dated August 30, 2018, which just forwarded the comments from July 19th, with no additional comments added. Is this the same issue that you wish to be included and discussed again at the October meeting in Miami? Will you be there and do you wish to address the topic? Please let me know.

Mary Schwantes

Division Director

Office of Chief Financial Officer Jimmy Patronis

Florida Department of Financial Services

Division of Funeral, Cemetery, and Consumer Services

Street Address: 111 W Madison Street, Claude Pepper Bldg., Suite 332/336

Mailing Address: 200 East Gaines Street

Tallahassee, Florida 32399-0361

Telephone: 850-413-4984

Email: Mary.Schwantes@myfloridacfo.com

Website: www.myfloridacfo.com/division/funeralcemetery/



Please note that Florida has a broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

From: garry tillis <garryfred61@gmail.com>
Sent: Thursday, September 13, 2018 11:58 AM
To: Schwantes, Mary <Mary.Schwantes@myfloridacfo.com>
Subject: my input miami workshop

dear ms. schwantes, i have send to you via us mail my input for the oct. miami workshop if you would present it at that time i would appreciate it very much.thank you so much garry tillis