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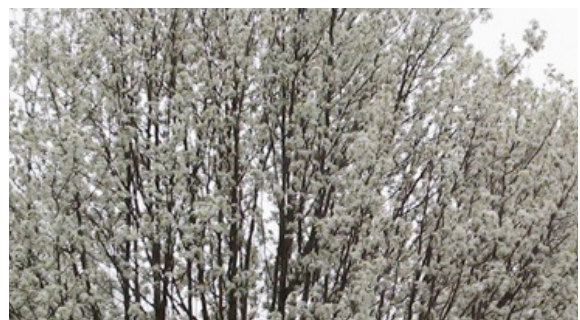
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Funeral Directors Answering the (Long-Distance) Call

WILKES BARRE, PENNSYLVANIA – Last week, *USA Today* published a story that noted that during the second week of April, COVID-19 fatalities over a seven-day period topped those of Pearl Harbor and Sept. 11 combined.

Funeral homes in and around New York City have been operating at well over capacity as more than 75% of the deaths in the state have taken place within the city. Many funeral homes have refrigerated trucks on or near their facilities to store the overflow of bodies.



Brian Leffler owns nine funeral homes, eight of them in and around the Wilkes-Barre, Pennsylvania, area (about 140 miles from New York City) and one in Wellsburg, New York, just over the Pennsylvania border and about 230 miles from the city.

Last week, a family that had lost a loved one (not related to COVID-19) who lived in New York City called a funeral home in Wilkes-Barre to find someone who could help them; they had already called some 20 funeral homes in and around New York, but no one was able to help. And even though

the family wanted to inter the cremated remains of their loved one in Pennsylvania, the funeral director in Wilkes-Barre was also unable to help, so he called Leffler.

“The funeral director called me to see if I could help since he knew I had a location in upstate New York,” said Leffler. “I told him if we were called on to serve the family, we would figure it out. He said he would call them and wished me good luck.”

Shortly thereafter, the family called. “Honestly, I’ve never met a family more thankful for our services,” he said. The man had died around 11:30 a.m.; the family had called Leffler around 3:30 p.m.

Driving from Wilkes-Barre to New York City, Leffler and associate Rynell VanLuvender made record time into the city – just a little more than two hours.

Buildings in New York being what they are, the man had died on the fifth floor of a walk-up apartment. Leffler and VanLuvender carried the 150-pound body down the five flights of stairs.

“Ironically, the hospice nurse and case worker asked if we would come back if they called us for other patients,” Leffler said. “She said the poor funeral directors in New York City can’t do any more than they are. They need help.”

About the two-hour drive from Wilkes-Barre to New York, Leffler said it would have taken twice that on a normal Friday. “I have never gone through

the Lincoln Tunnel with only two other cars in my life,” he said. “I saw more people on the streets in Wilkes-Barre today than in New York City. It was a little surreal.”

Added VanLuvender: “The complete lack of people and traffic on most streets was just unbelievable.”

As Leffler and VanLuvender left the apartment, things got a little more surreal. As has been the practice in New York City at 7:00 every evening, residents began honking their car horns, banging pots and pans out apartment windows and blaring emergency vehicle sirens – a tribute to all essential workers on the front line every day.

“It was pretty amazing,” said Leffler. “People started coming outside. For a minute, we really didn’t know what was happening, but then I recalled a Facebook video I had seen,” he said.

The day after the transfer call to New York City, Leffler received a call from another family there. “They are discussing options and will call us back,” he shared. “They are willing to drive here to have a service because they don’t want to wait two to three weeks for the funeral.”

Leffler mentioned that there have been some COVID-19 cases in Wilkes-Barre thus far, but the impact has not been as dramatic on his business as it has been in other areas.

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5 Questions With NYSFDA’s Mike Lanotte

ALBANY, NEW YORK – With New York state and particularly New York City being the epicenter of COVID-19, Mike Lanotte, executive director of the New York State Funeral Directors Association, said things are still in crisis mode for downstate NYSFDA members. “So, as you can imagine, or maybe you can’t because it is still hard for me to process, they are experiencing things never before seen.”

Generally, how are you and the association doing?

We’re doing our very best to be both an advocate and a source of reliable, timely information for our members. We’ve been working with local, state and federal agencies, as well as other healthcare and deathcare associations, to ensure that any concerns are addressed and any needs filled. We created a resource page, send out urgent and daily updates, and

host weekly member calls to ensure that we are providing accurate information as quickly as we can.

Thinking about how New York directors have responded, what are your thoughts on the news articles discussing how funeral directors are the last responders and describing what they are doing in terms of this crisis?

We are immensely proud of New York's funeral directors. Their priority remains helping families in their time of need, and although how they do so has temporarily changed, they are continuing to do so with both compassion and professionalism. They are truly on the front line and put their health and emotional well-being at risk every day without hesitation. Their actions motivate us to work even harder to help them.

How has the supply chain produced for your members?

We, like so many others, have experienced supply issues. PPE, body bags and cremation containers

have all been items the association has worked to help secure for our members.

Has the influx of volunteers been helpful?

I can only report anecdotally, but I am hearing that the governor's executive order that allowed out-of-state licensed funeral directors, retired/inactive New York funeral directors and mortuary science students to assist has definitely helped with the challenges they face.

Are you seeing any positives from the social distancing and quarantine restrictions?

Personally, while I, like everyone else, would love to get back to some semblance of normalcy, the social distancing mandates and New York PAUSE order are paying dividends; we are starting to see a decrease in hospitalizations, intubations and deaths over the past few days. We're all hoping the trend continues. And if these [restrictions] are helping to get us get there, to me, they are certainly worth the price we are being asked to pay.

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Checking In From Connecticut and Texas

BROOKFIELD, WISCONSIN – Experiencing the COVID-19 outbreak has inspired countless stories of first and last responders going above and beyond the call of duty. The virus' impact has varied across the country, with New York City hardest hit, and stories of volunteers coming to assist overworked staff make for some very stunning national news.

Through a brief Q&A, two funeral directors from different parts of the country share their experiences handling the fallout from the pandemic: Matthew Bailey, president of B.C. Bailey Funeral Home in Wallingford, Connecticut, and Brent Shehorn, owner/director, Lake Shore Funeral Home in Waco, Texas.

Generally, how are you and your firms doing?

Bailey: We are hanging in there. It has been challenging for sure.

Shehorn: Things are good and business is good. We had one director leave and we replaced with an intern. Another director has been out for nearly two months with upper respiratory/pneumonia (negative test for coronavirus). Needless to say, we have been short-handed.

How would you describe the impact of the virus on your service area?

Shehorn: The impact in our area has been huge; everything is pretty much shut down. Many businesses may not survive. We have had suicides. Law enforcement says domestic violence and child abuse is running high. The general public has been scared. But there have only been 175 cases reported, and new cases seem to be stabilizing. To date, there have only been four COVID deaths in McLennan County; we have handled two of those, as well as one from a neighboring county. We've handled two

suspected virus deaths and two deaths that tested negative.

Bailey: We have had a good number of cases. I think it has brought to light some ongoing issues that were always there but could be ignored or managed under normal circumstances. The lack of having implemented an electronic death registry system, allowing facilities to not have hold facilities despite the law requiring them to do so, poor practices around the certification of death certificates, restrictions on opening crematories – these are ongoing issues that have the potential of getting much, much worse.

How has the virus impacted your business in terms of caseload? Compared with the same time a year ago?

Bailey: Across our various brands, we are definitely up.

Shehorn: There has been no impact on our caseload. In fact, our death rate is less at this point from last year. However, the impact on revenue has been hurtful. With most families having only a graveside service or direct burial, no visitations, no printing, etc., affects the bottom line. In a three-week period, we estimated a \$4,000 weekly loss average in those families served due to limited services selected or the selection of another choice of disposition.

What has the public reaction been to gathering limitations?

Shehorn: Generally speaking, clients feel disappointed, but most folks have been easy to work with regarding state mandates and limitations in reference to carrying out their preferences.

Bailey: For the most part, people are very understanding. They know the restrictions before they call. I did have one poor woman cry when I told her the priest agreed to do the committal service but only if everyone stayed in their vehicles.

Have you been discussing plans for larger memorializations when things stabilize?

Bailey: Yes, for sure. We must do so in order to

meet the needs of families again in the future.

Shehorn: Yes. We replaced and updated our live-stream camera in our main chapel. Depending on the updated steps moving forward, I would anticipate limiting the seating capacity in the chapels. We have chairs that gang together so this will be a simple task.

Is there a particular event over the past few weeks that stands out in your mind?

Shehorn: We have started having drive-through visitations. I would describe it as a love and condolence parade of friends, co-workers and extended family members coming together to support the family that has lost a loved one. We have had both closed caskets and open caskets present in a room that joins a portica shea. Even though friends cannot offer a hug, they can share what is in their heart with the family during these uncertain times.

Bailey: In one case, I was speaking with a hospital and asked whether the death was related to COVID-19. The woman replied, “I can’t tell you that,” even though she would be handing us a death certificate listing the cause upon arrival. They would be calling constantly to find out our ETA as they had space concerns. We really have to do a better job about truly working together across professions.

How has the supply chain been for you? What are your main needs?

Bailey: We were fortunate in that we had a good inventory of PPE in place, enough that we were actually able to provide some to colleagues without any. Aside from that, we have not had any real concerns, but I can certainly see it coming. I think body bags will be a big issue if something isn’t figured out; we are required to use them for cremations in Connecticut.

Shehorn: At first, we were searching for PPE with little to no success, as everyone else was doing the same. This went on for about two weeks, but now we are finally are well stocked. Obviously, masks have been the most challenging item, followed by gowns.

Communication-wise, what have you been doing in your community?

Shehorn: We have been using our Facebook page and also created a COVID-19 button on our website, where we post the latest mandates and our operating changes.

Bailey: I created a YouTube video that was shared on our website and on social media to explain that we are still here and continuing to serve families.

Matt, you were giving away surplus PPE a few weeks ago. Did colleagues take you up on the offer?

Bailey: Yes. I had local firms reach out, as well as a few colleagues from out of state for whom I put packages together to ship.

What have you done differently to protect your staff during this time?

Bailey: We implemented protocols for ongoing cleaning, distancing practices and usage of PPE on all transfers. We have also increased making arrangements from a distance. Thankfully, I began a conversation that led to Connecticut allowing us to use electronic signatures and accept faxed or emailed copies of forms from the paperwork families have to sign at the very start of the process. It was slow getting an answer, but when I called back and said we had the first death in the state and the family was under quarantine, it helped move it along more quickly.

Shehorn: We have limited public access to the funeral home. We've closed off the foyer and posted signs on the doors. We have posted a sign under the main entry portico shea stating to call the main phone number for curbside assistance, eliminating the need for the public to come in to pick up the death certificate, cremated remains, etc. When we do have contact with the public, employees are required to wear masks and sometimes gloves. Obviously, we are sanitizing often and practicing personal hygiene. Under the COVID-19 button on the website, we have created a "Stay at Home Arrangements" page. It's a hybrid approach to funeral arranging that includes helpful links for families regarding the different aspects of the funeral arrange-

ment. Here's a link to the page: lakeshorefuneralhome.com/stay-at-home. Client family feedback regarding this approach has been very appreciative to our efforts.

What might be some of the lessons learned during this crisis that you might implement in a more stable time?

Shehorn: My plan was to implement a stay-at-home approach for arrangements, and this pandemic definitely pushed me forward to develop it. My intentions were to develop a tool to "reach people where they are," whether it be out of town, unable to travel or if one is ill.

I really feel this pandemic will make or break funeral service. It is my hope that once [it] is over, society will see us more as a necessity and a needed service rather than just a disposal service.

Bailey: There are many. Much of the anti-competitive protectionism we have seen is coming back to haunt us. Funeral directors who wanted to "protect" their license find themselves in a really bad situation in some cases. I heard about a firm in Green Bay that is actually not even answering the phone anymore. If you have a single-director firm and that director gets sick and is under quarantine, they are done. I have been taking a lot of notes to put together a "postmortem" review when this is done.

What are your thoughts on news articles discussing how funeral directors are the Last Responders and describing what they are doing in terms of this crisis?

Bailey: I think it is so important. Nurses, doctors, first responders – they are all heroes and deserve all the credit they receive. We often receive no recognition despite great risk. There has sometimes been a narrative out there about who we are and what we do – I think these stories help highlight more of the truth. That being said, I have heard stories about colleagues who are turning families away, refusing service and making decisions based on fear only. I think we have to be honest about their existence and what that means as well.

Shehorn: The articles I've seen have been very pos-

itive and well written; I have also shared these stories on our platforms. However, I do feel the Last Responders are the forgotten ones. Although in my area, we have had very good group discussions with my county emergency management and mass fatality group, I heard from a funeral director friend operating in a large metro area that he and others have really been taken advantage of regarding the

sheltering of remains – pushing this need onto funeral homes instead of the hospitals and medical examiners offices handling this spike in caseload. These institutions have adequate space, whereas most funeral homes do not. I would hope moving forward that these challenges will have better preparedness for future challenges.

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NFDA Seeks Inclusion of BRAVE Act In Next COVID-19 Bill

BROOKFIELD, WISCONSIN – NFDA has sent a letter to congressional leaders urging them to include the BRAVE Act in the next coronavirus relief package (Burial Rights for America's Veterans' Efforts; H.R. 497/S. 598).

NFDA is encouraging its members to reach out to their elected officials to amplify the voices in support of the measure.

Congress is now negotiating the fourth COVID-19 relief bill.

In its letter to the leadership, NFDA notes that from the start of this session of Congress in January 2019, it has been working to improve VA burial benefits by advocating for the BRAVE Act. This bill will ensure that all veterans, regardless of where they die, will be treated equally and that the benefit is automatically increased based on the Consumer Price Index. To learn more, visit nfda.org/legislation.

Given rising veteran fatalities from the COVID-19 outbreak, NFDA believes additional support is needed to ensure that every veteran receives a dignified farewell, and the association is reaching out to Congress on behalf of the more than 4,500 veterans who have tested positive for COVID-19 and the nearly 300 veterans who have died. According to NFDA, nearly 40% of veterans are seniors and many have underlying health conditions that place them at higher risk to serious complications from COVID-19 exposure.

As businesses throughout the country have shut down and many are laying off workers during the pandemic, many families will struggle to afford a dignified final disposition for their loved one, including veterans. The BRAVE Act will go a long way toward helping families lay their beloved veteran to rest with honor.

The letter to Congress states: "Families suffering the loss of a veteran should not have to endure additional stress from financial hardship. Unfortunately, VA burial benefits have not been updated since 2001 and therefore have not kept pace with the rising costs of funerals. The BRAVE Act would increase VA burial benefits for nonservice-connected deaths and authorize annual benefit increases based on Consumer Price Index increases for all VA burial benefits. This bill enjoys strong bipartisan support, as well as endorsements from the VA and across the Veteran Service Organization community."

NFDA urges its members get involved in advocating for the bill's inclusion in the next COVID-19 relief bill.

"We need your help! You know firsthand how much updating this benefit would mean for veterans' families in your community," the letter to members stated. "We ask you take a few moments to urge your senators and representative to ensure that the brave men and women who have served our country in uniform receive the farewell they have earned."

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Funeral Directors Exempt Under the Families First Coronavirus Response Act

By T. Scott Gilligan
NFDA General Counsel

BROOKFIELD, WISCONSIN – The Families First Coronavirus Response Act (FFCRA) took effect April 1. The law, which applies to employers with fewer than 500 employees, requires the employer to provide a certain amount of mandatory paid leave to employees who cannot work because of COVID-19.

As reported in an article published in the April 2 *Memorial Business Journal*, there are three different situations in which employers are required to pay mandatory sick leave for up to two weeks, if an employee is unable to work because of COVID-19 quarantine orders, or up to 12 weeks, if the employee is taking care of a child because the child's day-care or school was closed due to COVID-19.

One of the FFCRA provisions allows employers to exempt employees from the paid leave provisions if they are regarded as "emergency responders." If an employee qualifies as an emergency responder, an employer is not required to provide to that employee the paid sick leave benefits under FFCRA. The rationale of the exemption was that Congress did not want to lose the services of emergency responders.

In the initial information published by the Department of Labor (DOL), funeral directors were not included in the list of workers the DOL identified as emergency responders. Although the DOL indicated that the list was not meant to be exclusive, without funeral directors being included, NFDA could not definitively state that funeral directors qualified as emergency responders under FFCRA.

NFDA immediately reached out to DOL officials to inquire whether funeral directors qualified as emergency responders. During the three-week period in which we had discussions back and forth with the department, the DOL issued its regulations under FFCRA. While the regulations do not

specifically address funeral directors, it makes it fairly clear that funeral directors would qualify as emergency responders.

Section 29 CFR § 826.30(c)(2) of the DOL regulation indicates that "emergency responder" includes "persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency." In its commentary to the regulation, the DOL explained that the list of workers it initially identified as emergency responders was not fully inclusive and that the DOL will look to the needs of the community in deciding who is an emergency responder. Also, the DOL indicated it would defer to classifications made by state governors in their emergency orders. Therefore, to the extent that state officials identified funeral directors as essential workers, the DOL would not contest the classification.

In discussions with DOL officials, they explained, as the official commentary does, that the DOL intends to define the term "emergency responder" broadly. If workers are providing essential services to keep Americans safe, they would qualify as emergency responders. Moreover, any employee in a business whose work is necessary to maintain the operation of those employees considered to be emergency responders is also covered by the exemption. Therefore, to the extent that funeral directors are emergency responders, the support staff of the funeral home who are necessary to maintain the operation of the funeral home would also be covered by the emergency responder exemption.

DOL officials consulting with NFDA explained that at this juncture, the regulations would not be modified to include funeral directors as emergency responders. However, they clearly indicated that it would be difficult for the DOL to challenge the conclusion that a funeral director is an emergency responder. Given that the official guidance issued by the Department of Homeland Security and stay-at-

home orders issued by state governors have identified funeral directors as essential employees, DOL officials stated that funeral directors certainly appear to fit the definition of an emergency responder.

In summary, while the DOL regulations under FFCRA do not expressly include funeral directors as an emergency responders, it appears the DOL will not challenge that conclusion. Therefore, funerals

may treat funeral directors and essential support staff at the funeral home as emergency responders who are exempt from the paid leave provisions of FFCRA.

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NFDA members with questions regarding this matter can contact Gilligan at 513-871-6632 or scott@gilliganlegal.com.

Grieving a Coronavirus Death

By Alan D. Wolfelt, Ph.D.

Editor's note: Author, educator and grief counselor Dr. Alan D. Wolfelt has written many bestselling books on coping with grief, including Grief One Day at a Time and First Aid for Broken Hearts. Here, he shares his thoughts on a family losing a loved one to COVID-19.

FORT COLLINS, COLORADO – If someone you love has died of the coronavirus, it's likely you are facing a number of challenging circumstances. Grief is always difficult, but it is especially difficult whenever a death is sudden, unexpected and unfolds in ways that violate our expectations and put up barriers to the cultural grief rituals that help us through.

I have been a grief counselor and educator for more than 40 years, and this pandemic is unlike anything I have encountered. I am sorry you have been so deeply affected by this hardship.

First, it is important to understand that grief is always normal and necessary. It is part of our love. But in complicated loss situations, the grief that follows often gets complicated, too. It is essentially normal grief in an abnormally challenging loss situation.

If this is where you find yourself right now, I hope this article will offer you some affirmation, comfort and hope in the weeks to come.

If you couldn't be with the person who was dying or if you couldn't view or spend time with the body after the death...

In most cases, infectious disease protocols are keeping loved ones apart from those who are critically ill or dying. Whether you were across the country or just down the road, you probably felt frustrated and maybe even distraught that you couldn't be by your loved one's side. While the enforced separation may have been necessary, you may understandably feel cheated of precious last moments and goodbyes. Sometimes hospital caregivers have been able to use technology to help families communicate with loved ones dying of COVID-19 (or other causes during this period of restrictions). I hope this was true for you, but I also realize that these measures are not the same as being there.

Holding the hands of the dying and spending time with the body afterward are ways that we acknowledge the reality of a death and begin to embrace the pain of the loss. These are two essential mourning needs that will be naturally more difficult for you to meet in the weeks and months to come.

I encourage you to talk out your thoughts and feelings about these circumstances with people who are good listeners. When the time is right, I also encourage you to reach out to the hospital and/or funeral home staff who cared for your loved one and ask them to tell you anything they can. If you can reconstruct what happened even a little bit, you

will likely feel better. Often our minds are searching for a few details and assurances, and when they're provided, we rest a little easier.

If a funeral wasn't possible or has been delayed...

Funerals are essential because they help us begin to meet all of our mourning needs. The mourning journey often takes years, and a good funeral sets us off on a good path.

Funerals help us acknowledge and accept the reality of a death, share memories, convert our relationship with the person who died from one of presence to one of memory, give and receive social support, express our grief out loud, consider the meaning of life and death, and help us start to think about how to live life forward with meaning and purpose.

Yet I realize that in this pandemic, many gatherings have been rendered impractical or impossible. I've been encouraging funeral directors and families to try to have a brief immediate ceremony, even if only by Zoom or Skype, followed by a larger memorial service once the restrictions are lifted. Some people have also been holding an informal, intimate service in their own homes to mark the death and honor the person who died.

Please know that it's never too late to have a ceremony, and especially if you weren't able to be with the dying person or the body afterward, holding several ceremonies is a good idea. Ask a clergy person, celebrant or friend to help you. You will find that people who were unable to support you at the time of the death will want to provide you the support you need and deserve. And inviting friends and family to support one another is something you will always be glad you did. To achieve the goal of multiple ceremonies, you might have an immediate candle-lighting service in your home, a graveside or scattering service as soon as possible and a tree-planting ceremony on the anniversary of the death, for example.

Essentially, ceremony and ritual have the pow-

er to partially fill some of the holes created by the COVID-19 death circumstances. And it's never too late to use them.

If you're separated from your support systems...

While most of us are sheltering in place, we're apart from the people we would normally talk to, hug and hold close during a time of great loss.

If this is true for you, I urge you to use all the technology tools you can to reach out to the people you care about. Video calls are probably the best substitute for face-to-face conversations. Voice calls come second. After that, emails, texting and social media work, too. And don't forget the power of the handwritten letter! The point is to stay connected as much as possible and to be open and honest in those communications about whatever it is you are feeling or struggling with at the moment. Your candor will encourage others to be honest as well, creating the opportunity for mutual support and kindness.

In addition to creating a lifeline during the time of separation, these tools will help you maintain and build your important relationships so that when gathering and travel restrictions are finally lifted, you will have the strong connections and good momentum you need. Everyone will be on the same page and ready to support one another in person. You can even use this homebound time to plan ceremonies, build online memorial pages and gather photos, video footage and memorabilia of the person who died.

If you're angry, anxious, self-blaming or feeling guilty...

In complicated grief circumstances, these feelings are especially common. They're normal! Feelings aren't right or wrong – they just are. Please don't make it even harder on yourself by judging your feelings or thinking that you're somehow abnormal.

Maybe you're angry about how the person who died contracted coronavirus or how he or she was cared for while ill. Maybe you feel anxious that you or

someone else will get the disease (and perhaps die). Maybe the death has given rise to anxiety about finances and other life realities. Maybe you blame yourself about some aspect of what happened. And maybe you feel guilty that you're still living while your loved one is not.

Again, these and other feelings are normal and common in grief, and especially in complicated grief. Whenever you're having an uncomfortable or "stuck" feeling, the key is to express it as much and as often as it takes for it to begin to soften. You express it by sharing it with a friend, writing about it in a journal or talking about it in a support group or to a grief counselor, for example. Expressing your grief is called mourning, and mourning is how, over time, you step one day at a time toward healing.

I understand that right now, the traumatic nature of your loved one's death and your thoughts and feelings about it may color every aspect of your grief. It is part of your grief, but it is not the totality of your grief. Other factors that contribute to your

grief include the nature of the relationship you had with the person who died, your unique personality, your religious and cultural backgrounds, your gender, your age, your previous experiences with loss and others. Your grief is a complicated blend of thoughts and emotions, most of which stem from your love for the person who died. Over time, you will come to find that your grief is as much or more about the life than it is about the death.

If you are able to muster the courage to actively mourn and use ceremony, over time, you will find a path to a renewed life of meaning and purpose. Remember, you are not alone, and there are no rewards for speed. I hope you will share your coronavirus story and grief tips with me at drwolfelt@centerforloss.com.

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Alan D. Wolfelt, Ph.D., serves as director of the Center for Loss and Life Transition and is on the faculty of the University of Colorado Medical School's Department of Family Medicine.

Alert on Possible NPS Settlement Distribution

By T. Scott Gilligan

BROOKFIELD, WISCONSIN – Several weeks ago, this journal published an article on a possible distribution to funeral homes of proceeds that the special deputy receiver (SDR) in the National Prearranged Services litigation had recovered from banks, accountants and law firms that had assisted NPS.

Although no settlement had been announced, the SDR sent a notice to funeral homes informing them that they could submit a proof of claim covering their lost profits on NPS preneed funeral contracts they had performed. In the notice, the SDR indicated that the deadline for the submission of claims is June 1, 2020. Funeral homes could file claims on any NPS preneed contract they had serviced up until May 1, 2020.

Following the publication of the article, NFDA heard from several funeral homes that had serviced NPS contracts but had not received a notice of the possible recovery from the SDR. NFDA followed up with the SDR to ask which funeral homes had received the notice of a possible recovery. The SDR responded that it only sent notices to those funeral homes that had filed a notice of claim with the SDR back in 2009. Therefore, if a funeral home had not filed a notice of claim 11 years ago, it would not be receiving a notice from the SDR.

NFDA then inquired as to whether funeral homes that had not received the notice but had performed NPS preneed contracts from 2009-2020 could share in any possible settlement distribution. The SDR responded that that would be up to the court overseeing the settlement but that there was certainly

no harm in funeral homes filing claims if they had performed NPS preneed contracts.

Therefore, if a funeral home has not yet filed a proof of claim with the SDR for those NPS preneed contracts it has performed from 2009 up to May 1, 2020, it may do so.

Funeral homes intending to file the proof of claim have until June 1 to submit the claim. The proof of claim will not be accepted by email or fax. In

order to be timely submitted, the documentation must be postmarked prior to 11:59 p.m. CDT on June 1, 2020. A copy of the two-page SDR notice and the one-page proof of claim form are available at nfda.org/nps. Members can also email scott@gilliganlegal.com.

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NFDA members with questions regarding this matter can contact Gilligan at 513-871-6632 or scott@gilliganlegal.com.

FTC Charges Company Posing as Small-Business Lender

WASHINGTON, D.C. – The Federal Trade Commission has charged a Rhode Island-based company and its owner with falsely claiming to be an approved lender for a federal coronavirus relief lending program and asked a federal court to immediately halt their misrepresentations.

The FTC's complaint alleges that Ponte Investments LLC, also doing business as SBA Loan Program and [SBA Loan Program.com](http://SBALoanProgram.com), and its owner, John C. Ponte, have been falsely claiming an affiliation with the U.S. Small Business Administration and marketing themselves to small businesses as an approved lender under the SBA's Paycheck Protection Program (PPP) that was authorized as part of the Coronavirus Aid, Relief and Economic Security Act (CARES). According to the FTC, the defendants are neither affiliated with the SBA in any way, nor are they an SBA-authorized lender.

"In this time of incredible challenge for all Americans, it is disturbing to see these defendants preying on desperate businesses looking for ways to keep their employees financially secure," said FTC Chairman Joe Simons.

According to the commission's complaint, the defendants have been calling small businesses directly, claiming to represent the SBA, and soliciting loan applications on behalf of the businesses' banks.

They've also made such statements on their website: "We are a direct lender for the PPP Program!" and "[W]e are currently offering stimulus relief spending under the Economic Security Act (CARES Act)."

The defendants received a cease-and-desist letter from the SBA on April 10 that noted that the defendants were not an SBA-authorized lender and demanded that they stop the misrepresentations.

The FTC alleges that hundreds, if not thousands, of businesses have submitted loan applications to the defendants. The complaint notes that actual PPP funding authorized in the CARES Act has dried up, while the defendants have lured in small businesses with deceptive claims of being able to help.

In its filing, the FTC asks the court to order the defendants to immediately stop representing themselves as either associated with a federal agency or as an authorized SBA lender.

The FTC encourages anyone with information about scams related to the coronavirus pandemic to report them to the agency at ftc.gov/complaint.

The commission voted 5-0 to authorize the staff to file the complaint, which was filed in the U.S. District Court for the District of Rhode Island.

MBJ

Funeral Service Foundation Issues Call for COVID-19 Crisis Relief Grant Proposals

BROOKFIELD, WISCONSIN – The Funeral Service Foundation has issued a call for grant proposals from funeral service-related businesses and charitable institutions throughout the United States and Canada that are providing elevated/emergency assistance or grief support to communities impacted by COVID-19. The grants will be awarded through the Foundation's COVID-19 Crisis Response Fund.

Designed to be flexible, the fund provides grants for immediate needs within funeral service, including emergency response to significant loss of life; grants to organizations providing services and resources to families with unresolved and complicated grief due to loss during this crisis; and grants for other important needs as funeral service continues to serve families. The costs associated with burials, memorialization, cremations, etc., are not eligible for funding.

“The grants are intended to ensure that funeral service professionals have access to the supplies, equipment, personnel and resources necessary to safely and compassionately care for the deceased and their grieving families,” said Anthony Guerra, Foundation chair. “We’ve cast a wide net, understanding that the urgent needs will vary from community to community.”

HOW TO APPLY

Funeral service-related businesses and charitable or-

ganizations can apply at funeralservicefoundation.org/covid19fund. Applicants are required to provide a brief project narrative and a detailed budget, and will be asked to discuss the capacity to deliver on the request and define its success.

The Foundation Fund Advisory Committee reviews the grant proposals weekly, allowing for swift deployment of urgently needed funding and resources.

Gifts to the Funeral Service Foundation COVID-19 Crisis Response Fund directly support funeral service and grieving families in this time of loss and uncertainty. Since its launch last month, which began with a \$200,000 allocation from the Funeral Service Foundation, individuals, funeral homes, organizations and businesses across the country and Canada have already answered the call to give. No-table contributions include a \$50,000 lead gift from NFDA and a \$100,000 matching gift from Homesteaders Life Company, which allows donors to double their impact.

One-time or monthly gifts at every level can also be made at funeralservicefoundation.org/covid19fund. Those interested in supporting can also send checks, made payable to the Funeral Service Foundation, to COVID-19 Crisis Response Fund, 13625 Bishop's Dr., Brookfield, WI 53005 or call 262-814-1549 to make a gift by phone.

MBJ

NFDA Calls Up More Volunteers to Help in Pandemic

BROOKFIELD, WISCONSIN – NFDA has called on more volunteers to lend on-the-ground assistance in some of the areas hardest hit by COVID-19. As of April 21, 837 members of the funeral profession – from licensed directors to students and apprentices – have expressed their willingness to help colleagues in need, and 492 have been called up to serve.

Most recently, the following volunteers have been called:

NEW YORK

On April 11, the names of 113 licensed funeral directors were sent to the New York State Funeral Directors Association, which is managing requests

for assistance from funeral homes in the New York City area.

The names of 112 students and apprentices were also sent to the New York City Office of Emergency Management to help hospitals ensure that decedents in their custody are treated respectfully until funeral homes can conduct transfers.

MICHIGAN

On April 17, the names of 30 funeral directors were sent to the Michigan Funeral Directors Association (MFDA), which is working with the Community Health Emergency Coordination Center and the Michigan Emergency Operations Center. These volunteers will work to ensure that decedents are safely and respectfully transferred from hospitals to temporary sheltering facilities.

NORTH CAROLINA

The names of 76 students and apprentices were sent to the North Carolina Office of Emergency Management. These volunteers will work to ensure that decedents are safely and respectfully transferred from hospitals to temporary sheltering facilities.

NFDA has previously called up the following:

NEW YORK

On April 8, the names of eight licensed funeral directors from the state of New York were provided to NYSFDA to assist funeral homes in New York City.

On April 9, the names of 115 students and apprentices were sent to the New York City Office of Emergency Management to help hospitals ensure that decedents in their custody are treated respectfully until funeral homes conduct transfers.

NEW JERSEY

On April 10, the names of 23 volunteers – 16 licensed directors from New Jersey and seven students/apprentices – were forwarded to the New Jersey State Funeral Directors Association, which is managing requests from funeral homes for assistance.

MICHIGAN

On April 10, NFDA sent the names of 15 volunteers

from the state of Michigan to MFDA, which is managing requests for help from funeral homes.

THE VOLUNTEER PROCESS

“We are grateful that so many volunteers have stepped forward to help their colleagues in need,” said Anna Bernfeld, senior vice president of member relations. “This speaks to the kindness and generosity of funeral professionals. Please know we are working as quickly as we can to deploy volunteers to areas in need. While we wish it were as easy as NFDA going in and setting up an operation on the ground, we have to respect the authority of state and local emergency management officials and the work of funeral homes in that city. We want to be good partners with them as they work to care for the dead and serve families.”

NFDA is in regular contact with state funeral director associations regarding their need for volunteers to help funeral homes in cities experiencing high rates of death due to the pandemic. Federal, state and local government agencies have also reached out to NFDA about needs they have for volunteers. NFDA is working in conjunction with these entities to place volunteers based on factors such as how well their experience matches specific needs and how far they are willing to travel.

Knowing that state associations and government agencies are very busy responding to the pandemic, NFDA offered to manage the volunteer placement process from start to finish. However, all entities with which NFDA has worked thus far have chosen to work directly with the volunteers to manage placements. Therefore, NFDA has been sending the names of volunteers to state associations and government agencies that have requested assistance.

Sometimes there is a delay between when a volunteer is notified that their name has been shared and when the state association or government agency contact them. Reasons could include: (1) the volunteer’s name was shared with a funeral home, but the owner has been too busy to be able to reach out; (2) the state association or government agency

managing volunteers may still be working through that list of names and determining placements; or (3) the government agency is gathering names in anticipation of an actual need.

“We ask our volunteers to please be patient as we and our partners at state associations and government agencies work through this process of placing funeral professionals,” said Bernfeld.

NFDA is grateful to the Funeral Service Foundation and its COVID-19 Crisis Response Fund, which is reimbursing volunteers for expenses incurred during their service (e.g., transportation, lodging and meals) that are not covered by any other funder or agency.

NFDA continues to add names to its roster of volunteers in anticipation of other needs emerging in the days and weeks to come. Funeral service professionals willing to volunteer can fill out a form at nfda.org/covid-19/help-needed. The form asks potential volunteers to be as specific as possible about the kind of assistance and expertise they can offer. (Funeral service professionals who have already

submitted their name do not need to provide their information again.) Questions about volunteering can be sent to nfda@nfda.org.

Those unable to volunteer can support volunteer and other response efforts through a gift to the Funeral Service Foundation’s COVID-19 Crisis Response Fund. The fund has two pillars of support: emergency assistance and grief. Designed to be flexible, the fund will provide grants for immediate needs within funeral service, including emergency response to significant loss of life; grants to organizations providing services and resources to families with unresolved and complicated grief due to loss during this crisis; and grants for other important needs as funeral service continues to serve families during the crisis.

For more information about the fund, to make a contribution or to apply for a grant, visit funeralservicefoundation.org/covid19fund.

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The Notebook

In case you missed it yesterday, **ROOSEVELT INVESTMENTS**, a boutique advisory firm with more than 30 years of experience working with funeral and cemetery professionals, hosted a live video call. Jason Benowitz, senior portfolio manager, discussed updates on the financial markets and the widespread effects of the COVID-19 pandemic, and answered questions live. “With headlines about the COVID-19 pandemic and the financial markets changing daily, we want funeral and cemetery professionals to know that we’re committed to helping them navigate these challenging times,” said Adam Sheer, co-CEO of Roosevelt Investments. “With all the uncertainty out there, we want to provide a little guidance when it comes to financial markets.” The video call was hosted on the Zoom Webinar platform. [Post-register](#) and Roosevelt Investments will send you an email with the video recording.

THE TRIBUTE COMPANIES has named Yvonne Slonaker director of business development. Slonaker has served her community as a licensed funeral director for more than 24 years. In her position, she will be developing additional markets for the company’s precast and design divisions, serving the Eastern and Southern parts of the United States and expanding to other international markets. Slonaker, a certified celebrant, crematory operator and arranger, presents to local organizations within her community and regionally to educate them about the deathcare profession.

MBJ

From the Editor's Desk...

“Rattle Those Pots and Pans”

A few weeks ago, my 23-year-old niece tested positive for coronavirus. In early March, she had been on a group trip to Ireland for a couple of weeks before continuing on to Hawaii. She had worked hard over the winter and was treating herself to an indulgent vacation.

After arriving home in Florida, she was notified that someone on the Ireland excursion had tested positive for the virus. After waiting a few days for an appointment to be tested, she waited a few more days for the results. When the positive verdict was read, she was confused because she felt great – so good, in fact, that the first thing she posted on Facebook was a video of herself dead-lifting weights. At one point, she openly wondered online whether the virus was in fact real and if quarantining was doing any good.

As her uncle, I make it a point not to comment on the kid's Facebook posts, but this one I could not let pass. My reply took the shape of links to general news articles that talked about high-risk groups. The last links were to stories about New York funeral homes that had maxed out in space to store bodies and had to call in refrigerated trucks, and the death count that keeps mounting.

I then simply said she should count herself lucky that she's only experiencing mild symptoms and that she's among the hundreds of thousands to recover from the virus, rather than among the 40,000 who didn't. What I didn't tell her – what I hoped she already knew – was that the quarantine, although inconvenient to a healthy 23-year-old, was more about not spreading the virus to someone in a higher risk group. I really hope she got that.

As for our next communication? Well, there hasn't been one since. She did not comment on my response to her, although one of her friends added a crying emoji to the link about New York funeral homes dealing with more cases than they can handle.

I still send her some links on Facebook, but these are to videos of people in New York at 7:00 each night making some noise – applauding, banging pots and pans, honking car horns – to show their appreciation for those on the front line, including first responders, healthcare workers and funeral directors. To borrow a line from an old 1950s hit, “Get out from that kitchen and rattle those pots and pans.” It is appreciated.



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