

CEMETERY INSPECTION CHECKLIST

STATE OF OREGON MORTUARY AND CEMETERY BOARD
PORTLAND STATE OFFICE BUILDING, SUITE 430
800 NE OREGON STREET #19
PORTLAND, OREGON 97232

CEMETERY NAME: _____

PHYSICAL ADDRESS: _____

CITY/COUNTY _____ PHONE # _____

RECORDS ADDRESS: _____

CITY/COUNTY _____ PHONE # _____

MANAGER: _____ SEXTON: _____

OWNER: _____

LICENSE NO: CE- _____ DATE: _____ TIME: _____ INSPECTOR _____

LICENSING

_____ EACH LICENSED FACILITY SHALL BE REGISTERED WITH THE BOARD BY ITS TRUE CORPORATE, FIRM OR INDIVIDUAL NAME. IN ADDITION, ONE ASSUMED BUSINESS NAMES, AS REGISTERED WITH THE CORPORATION COMMISSION MAY BE USED BY SUCH LICENSED FACILITY AND BE PROMPTLY REPORTED TO THE BOARD. DOES THE NAME CORRESPOND WITH OUR RECORDS AND THE BUSINESS ENTITY REGISTRATION INDEX (BERI)? Y / N _____

_____ OAR 830-040-0030, ORS 648.007(1)

[The Secretary of State Corporation Division's telephone number in Salem: 503-986-2200. Forms are also available on line through www.oregon.gov in the agency section under "popular sites"]

CEMETERY MANAGEMENT

_____ LICENSE IS POSTED IN A CONSPICUOUS LOCATION FOR PUBLIC VIEWING: Y / N
OAR 830-040-0000(12)

_____ MANAGER IS LISTED ON THE LICENSE: Y / N
OAR 830-030-0000(8); ORS 692.148(1)

_____ LICENSEE COOPERATED WITH INSPECTION: Y / N
OAR 830-040-0010(2) & (5)

_____ RULES ARE AVAILABLE: Y / N FORM? _____ ORS 97.710(3)

_____ HAVE THERE BEEN CHANGES OF ANY "PRINCIPALS ?" Y / N ORS 692.148(1)

If Yes: _____

OAR 830-011-0000(32) defines a principal as persons who have controlling authority over the licensed facility, including but not limited to: (a) Managers or other persons who have decision making authority; (b) Officers or directors who have some degree of responsibility for the operation of the licensed facility; (c) stockholders or corporations; (d) partners

_____ WHO PERFORMS THE SEXTON DUTIES? _____

[OAR 830-030-0000(5) provides that it shall be the responsibility of the cemetery authority to see that the identifying metal disc is properly secured to each receptacle containing human remains when remains are delivered to the cemetery authority. The cemetery authority/sexton shall sign the final disposition permit signifying that the number on the metal tag matched the Oregon death certificate. At no time shall the cemetery accept remains without an identifying metal disc unless death occurred in a state other than Oregon].

_____ **WHEN CREMATED REMAINS ARE DELIVERED TO THE CEMETERY BY A FUNERAL ESTABLISHMENT, DOES THE FUNERAL ESTABLISHMENT HAVE THEM SIGN A RECEIPT FOR THE CREMATED REMAINS? IF NO, THEY SHOULD BE ASKED TO SIGN ONE BY THE FUNERAL ESTABLISHMENT** [It is not a cemetery violation if cemetery personnel do not sign a receipt for cremated remains. This question is to provide education and obtain information to assist in ensuring that funeral establishments delivering cremated remains to cemeteries, use a receipt and keep it in their records].

[OAR 830-040-0000(8) provides that if cremated remains are not retained by the licensee, the licensee shall upon delivery of such cremated remains to another individual, obtain a signed receipt from that individual which states, the name of the deceased, the name of the person receiving the cremated remains, and the date of delivery. The funeral establishment representative shall also sign the receipt].

CEMETERY

_____ **DESCRIPTIVE MAP IS AVAILABLE: Y / N** **ORS 97.310 (1)(a)**

_____ **DEVELOPED ACRES: _____ APPROXIMATE STATUS OF AVAILABILITY: _____**

_____ **UNDEVELOPED ACRES: _____**

This area is not regulated; information only.

_____ **ARE ANY HUMAN REMAINS (EXCLUDING CREMATED HUMAN REMAINS) PRESENT ON PREMISES FOR WHICH FINAL DISPOSITION HAS NOT OCCURRED WITHIN 24 HOURS? Y / N** **OAR 830-040-0000(10)**

_____ **CEMETERY GROUNDS ARE SANITARY: Y / N** _____
_____ **OAR 830-040-0010(1)**

_____ **GRAVES ARE MARKED AND/OR ARE ABLE TO BE COMPARED WITH A MAP OR RECORDS TO ESTABLISH THE LOCATION OF A DECEDENT. Y / N** **ORS 97.720**

MAUSOLEUM (IF AVAILABLE)

_____ **DESCRIPTIVE MAP IS AVAILABLE: Y / N** **ORS 97.310 (1)(b)**

_____ **NUMBER OF CRYPTS: _____ STATUS OF AVAILABILITY: _____**
This area is not regulated; information only.

_____ **MAUSOLEUM IS MAINTAINED IN A SANITARY CONDITION: _____**
_____ **OAR 830-040-0010(1)**

COLUMBARIUM (IF AVAILABLE)

_____ **DESCRIPTIVE MAP IS AVAILABLE: Y / N** **ORS 97.310 (1)(b)**

_____ **NUMBER OF NICHES: _____ STATUS OF AVAILABILITY: _____**
This area is not regulated; information only.

_____ **COLUMBARIUM IS MAINTAINED IN A SANITARY CONDITION: _____**
_____ **OAR 830-040-0010(1)**

CEMETERY RECORDS

_____ **LOCATION OF RECORDS: _____** **OAR 830-040-0000(13)**

_____ **RECORDS WERE AVAILABLE FOR INSPECTION: Y / N** **OAR 830-040-0000(13)**

_____ **INTERMENT RECORDS ARE AVAILABLE FOR INSPECTION BY SURVIVERS OF DECEDENT? Y / N** **ORS 97.720(1)**

_____ A RECORD HAS BEEN KEPT OF THE OWNERSHIP OF ALL PLOTS IN THE CEMETERY,
AND OF ALL TRANSFERS OF PLOTS IN THE CEMETERY: Y / N ORS 97.720(2)

_____ RECORDS ARE KEPT OF ALL REMAINS INTERRED: Y / N ORS 97.720(1)

_____ IS THE CEMETERY KEEPING A GREEN COPY OF THE DEATH CERTIFICATE [PERMIT FOR
FINAL DISPOSITION] IN THEIR PERMANENT RECORDS FOR BURIALS OF CASKETED REMAINS
AFTER 1985? Y / N _____

[In the case of cremation, the green final disposition permit stays at the crematory because it is the actual place of final disposition and the crematory name is noted on the death certificate as such. However, the State Center for Vital Statistics will permit the green copy to be photocopied if a cemetery wishes to request a copy for their records from the crematory].

ADVERTISING

_____ DOES THE CEMETERY ADVERTISE: Y / N _____

_____ ADVERTISING THROUGH ANY MEDIA (INCLUDING BUT NOT LIMITED TO: TELEPHONE BOOKS,
NEWSPAPERS, DIRECT MAIL, BILL BOARDS, ETC), INCLUDE EITHER THE LICENSED FACILITY'S
REGISTERED NAME, OR ITS ASSUMED BUSINESS NAME AND PHYSICAL ADDRESSES.
_____ OAR 830-040-0050(1)

_____ ALL PRINTED MATERIALS AND LETTERHEAD SHALL INCLUDE THE PHYSICAL LOCATION OF
THE FACILITY. _____ OAR 830-040-0050(1)

CEMETERY TYPE

_____ NON-PROFIT CORPORATION ORS 65.860 - ORS 65.875
IS THIS AN IRREDUCIBLE FUND CEMETERY? Y / N

_____ CEMETERY MAINTENANCE DISTRICT ORS 265
IS THIS AN IRREDUCIBLE FUND CEMETERY? Y / N ORS 265.140(7)

HAS THE CEMETERY MADE AN IRREVOCABLE ELECTION TO BE AN ENDOWMENT
CARE CEMETERY? Y / N _____
IF YES, ENDOWMENT CARE SECTION APPLIES ORS 97.020(2)(b) & ORS 97.865(1)

_____ MUNICIPAL CEMETERY ORS 226.410 - ORS 226.450

HAS THE CITY OR COUNTY MADE AN IRRECOVACABLE ELECTION TO BE AN ENDOWMENT
CARE CEMETERY? Y / N _____
IF YES, ENDOWMENT CARE SECTION APPLIES ORS 97.020(2)(b) & ORS 97.865(1)

_____ PRIVATELY OWNED CEMETERY _____

_____ OTHER _____

_____ THE CEMETERY IS A NON-ENDOWED CARE CEMETERY? Y / N ORS 97.810(10)

_____ THE CEMETERY IS AN ENDOWMENT CARE CEMETERY? Y / N ORS 97.810 - ORS 97.865
IF YES, ENDOWMENT CARE SECTION APPLIES

PRENEED CEMETERY SALES

_____ *IS THE CEMETERY CONDUCTING PRENEED OR PRECONSTRCTION SALES OF CEMETERY
GOODS AND SERVICES: Y / N _____

*Note: There has been some confusion over what actually constitutes preneed sales. It has come to the Board's attention that some cemetery sales people have unnecessarily registered to sell preneed. The sale and conveyance of interment rights in existing plots, crypts or niches does not constitute preneed sales, even when the sale takes place years in advance of death. If a

cemetery and their salespeople sell **only** existing plots, crypts or niches, facility registration with DCBS [and registration of salespersons with the Board] is not required.

_____ **ARE CEMETERY PRENEED SALESPERSONS REGISTERED WITH THE BOARD: Y / N**
OR 97.931 & OAR 830-011-0070(1)

(List Salespersons) _____

_____ **IS THE CEMETERY REGISTERED AS A CERTIFIED PROVIDER WITH THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES (DCBS) TO CONDUCT PRENEED SALES: Y / N**
If yes, Registration # _____ OR 97.933

If not, refer this and any registration issues regarding ORS 97.923 - 949 to DCBS Gail Smith, Auditor 503-947-7499 [Dale Laswell, Director]

_____ **THE PRENEED CONTRACTS ARE: GUARANTEED? _____ OR NON-GUARANTEED? _____**
[For information only. DCBS directly regulates contracts]

_____ **THE PRENEED PROGRAM INCLUDES A PERIOD OF NOT LESS THAN FIVE DAYS FOR PURCHASER TO CANCEL THEIR PRENEED CONTRACT. Y / N**
_____ OAR 830-030-0100(18)

FOR ENDOWMENT CARE CEMETERIES OR 97.810 - ORS 97.865

_____ **THE ENTIRE CEMETERY IS DESIGNATED AS AN ENDOWMENT CARE CEMETERY. Y / N**
OR 97.810

_____ **THE ENDOWMENT CARE CEMETERY IS DEPOSITING NOT LESS THAN THE FOLLOWING AMOUNTS FOR PLOTS SOLD AFTER 1955:**

- 15% of the gross sales price of graves with a minimum of \$5.00 for each grave [or when the gross sales price is paid in installments, 15% of each installment until at least 15% of the gross sales price has been deposited]. Y / N _____ OR 97.810(1)(a)
- 5% of the gross sales price for each niche [or when the gross sales price is paid in installments, 5% of each installment until at least 5% of the gross sales price has been deposited]. Y / N _____ OR 97.810(1)(b)
- 5% of the gross sales price for each crypt [or when the gross sales price is paid in installments, 5% of each installment until at least 5% of the gross sales price has been deposited]. Y / N _____ OR 97.810(1)(c)

_____ **THE CEMETERY AUTHORITY IS DEPOSITING THE ENDOWMENT MONEY AS REQUIRED UNDER ORS 97.810(1) AND NOTED ABOVE WITHIN 30 DAYS OF RECEIPT. Y / N**
OR 98.810(2)

_____ **THE ENDOWMENT CARE CEMETERY IS FILING AN ANNUAL ENDOWMENT CARE FUND REPORT WITH THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES [DCBS] WITHIN 75 DAYS OF THE END OF ITS FISCAL YEAR AND PAYING THE FILING FEE OF \$40 FOR UP TO 100 INTERMENTS PER YEAR; OR \$100 FOR OVER 100 INTERMENTS PER YEAR. Y / N**
OR 97.810(3) - (7)

(Endowment care depositing and reporting requirements are directly within the jurisdiction of DCBS. Refer to Gail Smith, Auditor 503-947-7499 [Dale Laswell, Director]. Forms are available online through www.oregon.gov).

_____ **THE ENDOWMENT CARE CEMETERY HAS A SMALL SECTION SET AWAY FROM THE ENDOWED CARE SECTION, THAT IS NON-ENDOWED. Y / N**
OR 97.810(9)

_____ THE ENDOWMENT CARE CEMETERY DEED [or] CONTRACT [if contract is used as the deed]:
ORS 97.810(8) CONTAINS THE FOLLOWING:

a. **"This Cemetery Is An Endowment Care Cemetery."**

[This phrase shall be printed or stamped at the head of all contracts and certificates of ownership or deeds referring to plots in an endowment care cemetery]

b. **"Endowment care means the general care and maintenance of all developed portions of the cemetery and memorials erected thereon."**

[This phrase shall be printed in the body of or stamped upon all contracts, certificates of ownership or deeds referring to plots in an endowment care cemetery]

_____ IF THE ENDOWMENT CARE CEMETERY CONTAINS A SMALL AREA OF NON-ENDOWED CARE, WHICH IS SET SEPARATELY APART, THE CEMETERY MUST STATE ON THE DEEDS OR CONTRACTS: ORS 97.810(9)

"Nonendowed Care"

[This phrase shall be printed or stamped at the head of all contracts and certificates of ownership or deeds referring to plots in an endowment care cemetery]

_____ A CEMETERY MUST NOT ADVERTISE OR REPRESENT ITSELF AS AN ENDOWMENT CARE CEMETERY, UNLESS ALL OF THE PROVISIONS OF ORS 97.810 ARE MET. ORS 97.810(11)

PRE-NEED ENDOWMENT CARE CEMETERY SALES

_____ ***IS THE ENDOWMENT CARE CEMETERY CONDUCTING PRENEED OR PRECONSTRUCTION SALES OF CEMETERY GOODS AND SERVICES: Y / N**

*Note: There has been some confusion over what actually constitutes preneed sales. It has come to the Board's attention that some cemetery sales people have unnecessarily registered to sell preneed. The sale and conveyance of interment rights in existing plots, crypts or niches does not constitute preneed sales, even when the sale takes place years in advance of death. If a cemetery and their salespeople sell **only** existing plots, crypts or niches, facility registration with DCBS [and registration of salespersons with the Board] is not required.

ORS 97.929 PROVIDES THAT UNDER THE FOLLOWING SPECIFIC CIRCUMSTANCES, AN ENDOWMENT CARE CEMETERY FALLS UNDER AN EXCEPTION TO THE PRENEED REGISTRATION & TRUSTING REQUIREMENTS OF ORS 97.923 TO ORS 97.923 to 97.949, 97.992, 97.994 and 692.180. IF THE ENDOWMENT CARE CEMETERY IS NOT FOLLOWING THESE PROVISIONS, THEN THE STATUTES DO APPLY:

_____ **A. GRAVES, CRYPTS OR NICHES ARE BEING SOLD AND ARE LOCATED IN AN ENDOWMENT CARE CEMETERY Y / N** ORS 97.929(a)

_____ **B. IF THE ENDOWMENT CARE CEMETERY IS SELLING NICHES OR CRYPTS NOT IN EXISTENCE, THEY ARE DEPOSITING 35% OF THE SALES PRICE OF EACH PRECONSTRUCTION NICHE OR CRYPT IN ACCORDANCE WITH ORS 97.939. Y / N** _____ ORS 97.929(b)(A)

_____ **C. IF THE ENDOWMENT CARE CEMETERY IS SELLING NICHES OR CRYPTS NOT IN EXISTENCE, THEY HAVE DEPOSITED A BOND WITH A CORPORATE SURETY, OR HAVE AN IRREVOCABLE LETTER OF CREDIT ISSUED BY AN INSURE INSTITUTION, FOR AN AMOUNT EQUAL TO 35% OF THE TOTAL SALES PRICE OF ALL CRYPTS OR NICHES THAT HAVE BEEN SOLD AND HAVE NOT YET BEEN COMPLETED. Y / N** _____ ORS 97.929(b)(B)

_____ **D. IF THE ENDOWMENT CARE CEMETERY IS SELLING VAULTS OR MARKERS FOR INSTALLATION AT A LATER DATE, THEY ARE DEPOSITING SIXTY SIX AND TWO-THIRDS PERCENT OF THE SALE PRICE IN ACCORDANCE WITH ORS 97.937. Y / N** _____ ORS 97.929(c)(A)

E. THE ENDOWMENT CARE CEMETERY SELLING VAULTS OR MARKERS FOR INSTALLATION AT A LATER DATE DEPOSITS EITHER A BOND WITH THE SECRETARY OF STATE IN THE AMOUNT OF \$10,000 WITH A CORPORATE OR PERSONAL SURETY, WHO SUBMITS A SWORN FINANCIAL STATEMENT AS OF THE DATE OF THE BOND AND ANNUALLY AS LONG AS THE BOND IS IN EFFECT; OR AN IRREVOCABLE LETTER OF CREDIT WITH THE SECRETARY OF STATE IN THE AMOUNT OF \$10,000 ISSUED BY AN INSURED FINANCIAL INSTITUTION.
Y / N _____ ORS 97.929(c)(C)(i)

DEPOSITS REQUIRED TO BE MADE BY ENDOWMENT CARE CEMETERIES UNDER ORS 97.929 SHALL BE DEPOSITED BY THE PROVIDER WITH A FINANCIAL INSTITUTION IN THE STATE OF OREGON WITHIN 15 DAYS OF RECEIPT. ARE THESE FUNDS BEING DEPOSITED AS REQUIRED?
Y / N _____ ORS 98.937(3)

IF THE ENDOWMENT CEMETERY IS CONDUCTING PRENEED OR PRECONSTRUCTION SALES:

ENDOWMENT CARE CEMETERY PRENEED SALESPERSONS ARE REGISTERED WITH THE BOARD: Y / N _____ ORS 97.931 & OAR 830-011-0070(1)

(List Salespersons) _____

IS THE ENDOWMENT CARE CEMETERY REGISTERED AS A CERTIFIED PROVIDER WITH THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES (DCBS) TO CONDUCT PRENEED SALES: Y / N # _____ ORS 97.933
[Formerly this was done with the Secretary of State's Audit Division]

IF A CERTIFIED PROVIDER, ARE ANNUAL REPORTS BEING FILED WITH DCBS? _____ ORS 97.933(3)(a)

IS THE CERTIFIED PROVIDER PAYING \$5.00 FOR EACH PRENEED CONTRACT TO THE CONSUMERPROTECTION TRUST FUND? _____ ORS 97.945(1)

PRENEED CONTRACTS ARE: GUARANTEED? _____ OR NON-GUARANTEED? _____
CONSECUTIVELY NUMBERED? _____ TRIPLICATED IN THAT ONE COPY STAYS WITH THE CERTIFIED PROVIDER, ONE GOES TO THE PURCHASER AND ONE IS SENT TO THE DEPOSITORY OR MASTER TRUSTEE? _____ SPECIFIES THE SPECIFIC MERCHANDISE INCLUDED OR NOT INCLUDED IN THE CONTRACT? _____ ORS 97.939

DCBS has direct jurisdiction of the "certified provider"[cemetery or funeral establishment]. If not registered, not filing reports or not trusting money properly, refer this and any matters regarding ORS 97.923 - 949 to DCBS Gail Smith, Auditor 503-947-7499 [Dale Laswell, Director]

THE PRENEED PROGRAM INCLUDES A PERIOD OF NOT LESS THAN FIVE DAYS FOR PURCHASER TO CANCEL THEIR PRENEED CONTRACT. Y / N _____ OAR 830-030-0100(18)

OTHER

AS OF JANUARY 1, 1998 ALL CONTRACTS EITHER AT NEED, PREARRANGEMENT OR PRECONSTRUCTION SHALL HAVE PRINTED IN A MINIMUM 10 POINT PRINT AT THE BOTTOM OF EACH CONTRACT PURSUANT TO OAR 830-040-0005:

"THIS FACILITY IS LICENSED BY THE OREGON STATE MORTUARY AND CEMETERY BOARD"

PERMANENT RECORDS OAR 830-040-0000(6)(a)(b)(c)(d)(e) & ORS 97.720(1)
[The letters below in parenthesis correspond with OAR 830-040-0000(6)]

1. Name(a) _____ Date Interred _____ ORS 97.720(1)
Ground Burial _____ Cremated Human Remains _____ Ship-In/Out of State _____
ID TAG(a) _____ DOD(b) _____ DOB _____

Name of Purchaser(c) _____ Relationship(c) _____

Location of Remains(d) _____

FSP/Cemetery Personnel responsible for arrangements(e) _____

2. Name(a) _____ Date Interred _____ ORS 97.720(1)

Ground Burial _____ Cremated Human Remains _____ Ship-In/Out of State _____

ID TAG(a) _____ DOD(b) _____ DOB _____

Name of Purchaser(c) _____ Relationship(c) _____

Location of Remains(d) _____

FSP/Cemetery Personnel responsible for arrangements(e) _____

3. Name(a) _____ Date Interred _____ ORS 97.720(1)

Ground Burial _____ Cremated Human Remains _____ Ship-In /Out of State _____

ID TAG(a) _____ DOD(b) _____ DOB _____

Name of Purchaser(c) _____ Relationship(c) _____

Location of Remains(d) _____

FSP/Cemetery Personnel responsible for arrangements(e) _____

4. Name(a) _____ Date Interred _____ ORS 97.720(1)

Ground Burial _____ Cremated Human Remains _____ Ship-In/Out of State _____

ID TAG(a) _____ DOD(b) _____ DOB _____

Name of Purchaser(c) _____ Relationship(c) _____

Location of Remains(d) _____

FSP/Cemetery Personnel responsible for arrangements(e) _____

5. Name(a) _____ Date Interred _____ ORS 97.720(1)

Ground Burial _____ Cremated Human Remains _____ Ship-In/Out of State _____

ID TAG(a) _____ DOD(b) _____ DOB _____

Name of Purchaser(c) _____ Relationship(c) _____

Location of Remains(d) _____

FSP/Cemetery Personnel responsible for arrangements(e) _____