



May 10, 2010

FSI will be on break next week. Enjoy this long issue. Your next issue will be dated May 24.

Dear Subscriber:

California may pass a bill that would allow consumers to choose an eco-friendly form of disposition called alkaline hydrolysis. It's something that could dramatically affect your business in the years ahead, but funeral service professionals continue to debate how the process should be classified.

The bill in the California Assembly would broaden the very definition of cremation so that it would include processes that involve fire and water. Julie Burn, director of cremation services at the International Cemetery, Cremation and Funeral Association, says, "I believe it is vitally important that we are all on the same page as far as establishing correct terminology. Will funeral professionals ask their cremation families if they want their loved one burned or dissolved utilizing an energy-efficient process? Think about the term 'direct cremation' and where that got us." She adds, however, "I am definitely in favor of offering today's consumer more options especially when it relates to saving the environment."

Matthews International, which is teaming up with Resomation, a company based in Scotland, to offer its trademarked "Bio Cremation," is pushing hard to pass AB 2283, "Disposition of Human Remains: Alkaline Hydrolysis." Steven Schaal, division manager of sales and marketing for Matthews Cremation Division, says, "With the guidance from our in-house lobbyist, Clinic Directors, SCI colleagues and local Sacramento representatives from Aaron Read & Associates, collectively we've been providing the testimonial support, talking points, test analysis and overall educational guidance on the environmental impact and technical application that come with Bio Cremation."

If the law passes in California, it would be just the second state to allow funeral homes to offer the process to the public. It's also allowed in Florida, and a St. Petersburg funeral home is expected to begin offering the process in the next few months, according to published reports. The process is also used in other states for institutional purposes, such as at the Mayo Clinic in Minnesota.

We'll continue to follow this important story and how alkaline hydrolysis might affect your business in future issues.

Packaging from Third-Party Caskets Still a Hot-Button Issue

The Federal Trade Commission's recent advisory opinion letter on the delivery of third-party caskets continues to spark discussion among funeral service professionals.

In the advisory opinion, Funeral Rule Coordinator Craig Tregillus notes that funeral homes cannot charge a consumer a fee to dispose of packaging from third-party caskets, but funeral homes can require a company to take the packaging and dispose of it as long as regular casket suppliers are required to do the same thing.

This issue of leftover packaging is an issue that funeral homes continue to discuss. The question is whether this is really a big enough inconvenience to vociferously complain about? The short answer is: *It depends who you ask.*

Curtis Rostad, executive director of the Indiana Funeral Directors Association, is among those who say this is a serious issue. “The pallets and/or shipping crates I’ve seen used will not go in the Dumpster if a funeral home even has one,” he says. “Many small funeral homes use standard city trash pickup. Funeral homes must arrange for a separate trash pickup for this material at a cost reported to me of \$50 to \$75.” He adds, “Accepting a third-party casket with no additional handling charges to the family is one thing, but having to pay money out of pocket to accept the shipment is something else – and an expense passed on to every family that uses the funeral home. That’s unfair.”

Not all third-party caskets are shipped the same way, and in fact, a delivery that arrives at your funeral home without any hitches one day may not be so smooth the next time around. For instance, some funeral homes have reported receiving caskets from FedEx on trucks that do not have a hydraulic lift, but some trucks are equipped with the type of hardware that makes unloading easier. Not all deliveries are the same, which complicates the issue.

Funeral Home Posts Video on Subject

Michael Neal, a funeral director at William G. Neal Funeral Homes with two locations in Washington, Pa., recently posted a video on YouTube showing how a third-party casket is delivered. (Visit <http://tinyurl.com/2ukmnql> to view the video.)

Neal made the video to show how a casket from a third party – in this case it was ordered from Walmart and supplied by Star Legacy Funeral Network – arrives at the funeral home. “I wouldn’t say accepting delivery of the casket was a burden; if it was every day of the week, it might be,” Neal says.

Neal’s biggest problem was that the FedEx truck did not have hydraulic equipment to unload the casket easily. “The issue was that the way it was crated, it was designed to be off-loaded with a forklift,” he says. “We don’t have one, and I don’t know of any funeral homes that do.” In the video, Neal also notes that a FedEx driver explained to his staff that drivers are not paid extra to assist in off-loading and

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don't have many trucks that have hydraulic lifts.

With all of the packaging, the shipment could not get into the door of the funeral home's primary building. "We had to take it to an outbuilding of our garage and then unpackage it," Neal says. A delivery from his normal supplier usually involves "a matter of minutes" and pressing a button that will activate the truck's built-in hydraulic system with forklift, Neal says.

Rick Obadiah, president of Star Legacy Funeral Network, says that Neal's video confirms what his company says about its packaging. "Not only does our patented packaging eliminate wooden palates and crating (i.e., reducing weight by over 40 percent) but is made from recycled material and is 97 percent recyclable – extremely eco-friendly," he says. "Also, (if you watch the video), note how well the casket is protected – a combination of the packaging and careful handling by FedEx and confirmed by Mr. Neal. We wish he opened the package to show how easy it is to unpack – how the sides just fall away with no screws, no tape or any fasteners; or to show the casket itself." Obadiah adds that if a funeral home ever has special requests or delivery needs, it just needs to call his company, which would do its best to accommodate any special needs.

Obadiah also took a moment to set the record straight over whether or not FedEx can expedite shipping of caskets – an issue that some people have been confused about. "In fact, expedited services can be arranged for Star Legacy's casket deliveries (including our mass market accounts) with FedEx for overnight delivery, morning delivery (prior to 10:30 a.m.) to most zip codes and delivery by appointment if the customer requests it," he says. "Star Legacy's goal is to do whatever is reasonable to accommodate the funeral professional's needs and work together."

Since posting the video, Neal says that a number of consumer advocates have contacted him with the impression that he made the video to criticize outside suppliers. "We said nothing derogatory in the video," he says. "We simply made it so that other funeral home providers could see what it looked like."

Joshua Slocum, executive director of the Funeral Consumers Alliance, was among those who contacted Neal. Slocum told us that it surprised him to learn that FedEx personnel might refuse to off-load a casket without assistance. "When I get a delivery at my office – granted, it's nothing as big as a casket – the delivery truck doesn't expect me to haul the merchandise off myself," he says. "If I were a funeral director, I would certainly let the supplier understand that this is how deliveries are going." Slocum adds, however, that he doesn't understand why the packaging itself seems to be such a sticking point for many funeral homes. "I know that Batesville caskets and others just come with a plastic over-wrap and these are boxed up, but how big of a deal is it really to get rid of that cardboard?"

Neal agrees that some funeral homes are "being ridiculous" by making such a fuss about the packaging. "Some want to charge a fee (to dispose of the packaging), and I don't agree with any of that," he says.

Others also believe complaints to be overblown. "I feel that the negativity is due to the lost sale, not the difficulty," says Rick Bissler with Bissler & Sons Funeral Home and Crematory in Kent, Ohio. He gives the example of a funeral home that accepts the body of someone who died away from home. "If that box on the garage floor was just shipped in from Florida, where grandma died, what would (the funeral director's) response be?" he asks. "What extra charge is there to discard the shipping container? Where does (the funeral director) charge for lost revenue for not selling the casket when it is shipped in with grandma?" Bissler notes he does business in a larger-than-average cremation market, and he chose years ago to follow the advice of Dan Isard, founder of The Foresight Companies in Phoenix, to "de-emphasize the box."

Isard himself notes that there is a simple solution that would make all these questions about third-party caskets a moot point. "Sell caskets at a 10 percent profit, and put everything else on the service fee," he says. "The FTC can't say anything, and no third-party casket company can survive." He adds, "Funeral

directors can get paid the proper amount for all services, burial and cremation.”

Inspecting the Casket

David Nixon, president and chief executive of Nixon Consulting in Chatham, Ill., notes that if funeral directors follow his suggestion of uncrating third-party caskets before accepting them, “They could make an issue of the packaging since the driver would still be there until the casket was inspected.” He adds, “On the other hand, to make a huge deal of this could cause some people to view this as sour grapes on a lost casket sale. There really have not been that many third-party caskets for most funeral homes, so we must be careful not to make this a crisis. An inconvenience, yes. Added cost of labor, yes. Increased trash, undoubtedly. However, how much time to uncrate? Twenty minutes? Thirty? Added trash costs? I’m not sure about that.”

Ray Visotski with George Funeral Home & Cremation Center in Aiken, S.C., doesn’t disagree with uncrating and inspecting a casket, but he does wonder how a FedEx driver would react if you asked him or her to wait while you do this. “Probably will not happen,” he says.

While a funeral home cannot *require* a family to

Curtis Rostad Takes Issue with Suggestions

In our April 26 issue, we included some recommendations from Poul Lemasters, an attorney, funeral director and owner of Lemasters Consulting in Cincinnati, who suggested ways for funeral homes to educate consumers about third-party caskets.

But Curtis Rostad, executive director of the Indiana Funeral Directors Association, disagrees with many of the tips. “Trying to dissuade people from buying a third-party casket by talking about where it is made should offend the majority of people in this country who drive a Honda, Toyota, Hyundai, Mazda, Nissan, Mercedes, BMW, Volvo, VW, etc.” he says.

Rostad also takes exception with the idea that a funeral home suggest a third-party casket might not fit in a vault. “Unless they need and purchase a clearly marked, oversize casket, you know as well as I do that the caskets sold by third-party suppliers are standard-sized and fit standard vaults,” he says.

Making an issue of casket warranties won’t help matters, Rostad says. “Yes, by law, funeral homes are supposed to supply the family with any warranty the manufacturer supplies with their casket,” he says. “Most quietly slip it in the packet and don’t want to talk about it because the average family doesn’t care.” He adds, “Families have asked me, ‘Who cares about a casket warranty? Who’s ever going to dig it up and check?’ If you try to dissuade them from buying a Walmart casket because your casket has a better warranty, they’re first going to laugh at you, then you’re going to make them mad at you.”

It would also be problematic to dissuade a family from ordering a casket from Walmart or another third party by explaining all they have to do to buy one, Rostad believes. “They have to go to Walmart.com and click, click and click – as many clicks as it takes to buy anything else online like they have done hundreds of times,” he says.

Lemasters sticks by his suggestions. “All I can do is emphasize education,” he says. “Curtis is not understanding the points of education.” For instance, “What I am saying is what happens when the casket shows up with a scratch, dent or missing hardware? Where does the consumer go for problems?” He adds, “As far as the simplicity of ordering a casket from a third party, I hope it’s not as easy as ‘click, click, click.’ If it is, then funeral homes will have real problems. From what I have heard from funeral directors who have either tried this or heard from some families, it is not that easy. You need confirmation of delivery, which is difficult to get from certain third parties; you have limited times to order; and if there are questions as to size or even design, it is difficult to talk to a real person. Again, you educate the families.”

Lemasters adds that years ago, there was a third-party manufacturer that made a casket too large for a vault, and that the size of the casket is also important so that the family can ensure that their loved one will look proper in the casket.

be there when a third-party casket is delivered, Brian Hanner, a funeral director with Geib Funeral Homes, Crematories & Remembrance Center in Dover and New Philadelphia, Ohio, notes that it would make sense to ask – not require – a family to be present. “When a family purchases a casket from the funeral home, the director who places the order with their casket carrier has a duty to ensure that the delivered unit is indeed the product that the family selected,” Hanner says. “So it would logically follow that a person who places an order for a casket take the time to ensure that the delivered unit is indeed the product that the person selected.”

Hanner says that he does not think a funeral director would be insulting a family if he or she asked the family to verify what is delivered is what they ordered. “Knowing that we have only one chance to make things perfect – most families would welcome the opportunity to double check the order that they placed,” he says.

Others Sound Off

Visotski, whose business is near a casket store in Augusta, Ga., says his first interaction with a third-party delivery service left something to be desired, as he saw the product was scratched. “I pointed it out to the driver and then notified the family that it was delivered with a scratch,” he says. “(The family) soon after called the owner of the company who told them that his driver had seen me intentionally scratch it because I was mad I wasn’t selling the casket. Our relationship went downhill from there.”

Visotski’s only received a total of four third-party caskets, but he says there is much more to the issue than simply being upset because of lost revenue. “I think that the disposal issue is more about having to pay a staff member to uncrate, break up and dispose of packing material for another vendor,” he says. “Regardless of whether it is a salaried director or an hourly part timer, you are still paying them to do that instead of something else.” He adds that his normal casket company will “deliver, inspect and dust down the casket, and I wouldn’t even know they came until I saw it later.”

Other services just don’t know how to deliver a casket, and the learning curve can be painful, Visotski says. “A year ago, we had to order a child’s casket, and the FedEx driver parked at the curb and put it on a hand truck, wheeling it through our parking lot with almost 100 people making their way to their cars for a funeral service,” he shares. “The box was clearly marked as a ‘casket.’ Not very sensitive, eh?” If it had been his regular delivery company, the driver would have known where to go and how to deliver the casket so that visitors didn’t see anything.

Like many funeral directors, Visotski would prefer working with a traditional casket supplier for a number of reasons. He asks, “What if the truck comes when everyone but the office manager is out on services or errands? She can’t help,” he says. “What if the truck comes after we have left to go home for the afternoon? What if the truck is a 53 foot tractor trailer and shows up at the curb and they guy says, ‘I got a delivery for you; come out and get it?’ What if the truck never comes? What if the person orders a casket for an imminent death, has it shipped to your funeral home and then has a miraculous recovery?” With his normal provider, Visotski notes he never would have any of these problems.

It is clear that the angst and issues surrounding the delivery of third-party caskets won’t go away anytime soon, and it’s easy to see why. Cremation is going up, and casket sales are already going down to begin with, and now funeral homes have to contend with more competition on a product that they are selling fewer of anyway. Each funeral home must take a good, hard look at its business and determine how it needs to respond to the changing landscape of funeral service.

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Succession Planning Survey Uncovers Different Approaches

Economy, Family Concerns, Other Issues Pose Challenges

This week, we kick off a three-part series on succession planning, beginning by mining data from our recent Succession Planning and Transfer of Business Ownership Survey.

We sent out the lengthy survey to subscribers of *Funeral Service Insider*. As we were getting ready to publish this article, 54 people had responded. Twenty-six respondents, or 48 percent, reported not having a plan in place. This indicates that this is an area that deserves more attention.

“Succession plans are important for two reasons,” says Robert L. Pierce with Pierce CFO in Tallahassee, Fla. “One, they protect the family in the event of an untimely death, and two, they make a business more valuable should it ultimately be sold.”

Dan Isard, founder of The Foresight Companies in Phoenix, says that the number of funeral homes that don't have succession plans in place is typically more than half, and he thinks survey results on this question are not always accurate. “First of all, if someone has a will and the will says, ‘Upon my death, the business goes to Junior,’ that is not a succession plan. If the owner has a life insurance policy and a buy-sell agreement in the event of (his or her) death, that is not a succession plan, because only about 15 percent of the time does an insured business owner die before retiring.”

If you don't know whether or not you in fact have a plan in place, sit in your lawyer's office and go through the hypothetical, asking if you died this morning, what would happen to your business and other assets and at what cost to whom. “That is a hypothetical probate, and until you do that, you don't understand if you really have a plan in place,” Isard says.

The co-owners at American Funeral Consultants in New Paltz, N.Y., state that it is encouraging that more than half of respondents said they had some sort of plan in place. “However, that percentage should be higher,” states Melissa A. Drake, president and chief executive, and Kathy D. Williams, chief financial officer and treasurer. “Regardless of your firm's size and whether or not you have family or a key employee in line to take the reins, it is critical to have a plan for the eventual succession of the business. A plan may include a one- three- five, or even ten-year timeline for that succession to occur. Such elements as having your business valued by an industry expert, determining how much you will need to live on after a sale or transfer and analyzing your retirement funds are critical. Once your plan has been initiated, you should begin to focus on ways to make your business more desirable (or salable), such as tightening up expenses, sprucing up the property inside and out and so forth.”

Valuing the Business and Responding to Crisis

When it comes to arriving at a value for their businesses, respondents took different approaches. One person reported being stymied, stating, “We are hoping to get something started.” Several reported conducting annual appraisals, but others stated that they only do this every six years or so.

Some respondents seem to have no plans to ever fully walk away. One owner said, “I plan on having a consulting contract to stay involved when I sell. I am grooming the person I would like to buy the business.” Several lamented the fact that no one else in the family or business seemed responsible and knowledgeable enough to operate the business. Others reported having capable people waiting in the wings.

When owners were asked what would happen to their businesses if they were to die or become incapacitated tomorrow, some were surprisingly candid. One owner responded, “(The business) would

probably be run better than it is now.” Another said, “Great question; that’s why I am wanting to get this done ASAP.” And others said that a buy-sell agreement would be activated or a trusted family member or colleague would take over.

The responses of some signaled a more touch-and-go approach. One owner stated, “My wife would need to run the business through a transition with the help of employees and work out a plan to sell.” Others expressed pessimism or optimism. One respondent stated, “It would hopefully continue on, but I’m not 100 percent certain.” Another owner said, “It would not skip a beat.”

The Economic Downturn

When asked if the economic downturn had affected their succession plan in any way, most people responded “no.” But a number of owners stated that the economy had slowed the process and forced them to re-evaluate their plans. One owner asked, “Can I afford to retire?” Another stated, “The business I purchased is not the same as when I purchased.” Other responses included:

- “Yes. Moved up my time for getting out.”
- “Probably hang around a few extra years. Four kids in college.”
- “Yes. It has slowed down my decision to retire by about three years.”
- “It has raised questions about financing and the value of the business.” “With more cremations and lower-cost funerals, it is hard to get a fair price out of it.”
- “Yes, it’s lowered the price due to real estate.”
- “Yes, by a couple of years because of the decline in our investments and profit sharing.”

How Respondents Are Planning Ahead

A number of respondents openly admitted that they have taken no succession planning steps. Others have made sure a plan is in place. One owner is doing something we found particularly interesting: “We’ve paid the successor a bonus salary which has been placed into an investment account for the purpose of buying the business in the future.”

Asked about steps they had taken to prepare their firm for a transfer of ownership, others responded:

- “We’ve reduced debt.”
- “My son is a full-time worker along with me, and we trade off management responsibility.”
- “We’ve secured a specialized lawyer and accountant.”
- “We’ve held a number of succession meetings with a number of different scenarios.”
- “I took a course with my son on family business planning.”
- “We are trying to identify someone who might take it over when and if something happens to me.”

Treating People Fairly

Asked what steps, if any, they had taken to ensure that family members that are not in the funeral

business are treated equitably, owners gave mixed responses.

One owner stated, “My heirs are being treated fairly, not equally. To divide the ownership of any business with nonparticipating members is the surest way to sink the ship.”

Another added that he hadn’t taken any steps to ensure this other than give nonparticipating family members the first option to purchase the business. Other responses included:

- “My wife and children will receive the proceeds of the sale after my death.”
- “Yes, with a stockholder’s agreement in place that all stockholders must be licensed full-time employees of the corporation.”
- “I have not, but it is a huge concern!”
- “There are contingent beneficiaries as well as guardians of my son, and executors of the estate are instructed to run until the legal age of my son.”

When Someone Else Takes Over ...

Depending on an owner’s exit strategy, he or she may end up compensating whomever takes over the business or end up taking compensation from the new manager or owner. Asked about this issue and how they will approach it, responses included:

- “A key manager will assume day-to-day responsibilities of the funeral group until it can be sold. He will receive a reasonable increase in his salary commensurate with his new responsibilities.”
- “I will take a ‘retirement’ monthly fee. My children will have control over the rest of the money.”
- “Compensation will be based on percentage of ownership.”
- “Stock will be gifted. Property will be purchased and in part gifted. Since the family that will take over are sons-in-law, we need to protect our daughters. This was done by having sons-in-law receive stock. If I die, the daughters retain the property and will be paid rent. The end result is that the sons-in-law will profit from the property as well as long as they stay married to my daughters.”
- “If they take it over, it will be because they buy it and will compensate me. If it happens that we hire someone because of my death or disability, then he will be paid appropriately unless he is to buy it.”

Will Future Generations Continue the Business?

The question of whether or not future generations will want to be involved in the business and the issues that this poses in succession planning is a huge concern for many funeral home owners. Many respondents admitted they have no idea whether or not younger family members will want to carry the torch, while others already have younger generations involved and can rest easy. When we asked, “Do you think that future generations of your family – such as grandchildren and great-grandchildren – will want to join the business? Or is there a lack of interest? What issues does this pose?” – responses included:

- “The worst case is doing something you truly don’t like to do. If my grandchildren do not want to continue in this business, it would be up to my children to either sell it or partner with someone who still has the lust for funeral service.”

- “My baby came with me to the parlor from day one. She was an integral part of the arrangement conferences. She is growing up being involved, and I would be honored if she continued. Of course, this is many years down the road.”
- “My family has been in the business for over 100 years. Each new generation is offered the chance to come on board. Each generation has had at least two family members that have taken up the offer.”
- “Absolutely not! I foresee many cremations in the future, and with the overhead of a funeral home and the income of a crematory, it is not worth it to be tied to the telephone for so little money.”
- “No – prefer they don’t. Too demanding.”

The Biggest Concern

Our respondents were also asked, “What do you consider to be your No. 1 concern in regards to succession planning?” Responses show the wide and varied issues that people must deal with, and back up the idea that succession planning concerns will vary by firm and location. Answers included:

- “A timeline is imperative. You can’t keep saying, ‘One day this will all be yours!’ All parties concerned must have a date of succession in place.”
- “Funding, because of our age. My brother and I are twins, age 64 with a cardiac history, so insurance is not able to be gotten to cover a buyout.”
- “Tax consequences under Obama.”
- “Being forced into a fire sale by my partner’s family in the event of his death.”
- “Tax issues. A plan today may not be current in 2011 or 2012.”
- “Does my son want to be tied down 24/7?”
- “How to be equitable among two nephews and one son as they get started.”
- “No problems for me at this point since we have one son. Should our 40-year-old son predecease my wife and I, we have big problems.”
- “When I’m ready to retire, what type of business will this funeral home be doing? When I started in funeral service, you never heard that much about cremation. We did a lot of traditional funerals. Now it looks like it’s the other way around. That is scary.”
- “Financing for the person who will buy my business. I don’t want to be the one that carries the note. I want my money at the time of the sale. But it seems most people have trouble coming up with financing.”
- “Finding someone who can purchase it. Most cannot get financing these days. I would love to retire early and enjoy some of my life while I am still healthy. No one I have talked to can get enough of a down payment to buy, much less get adequate financing.”
- “Capital gains, now that I have found the right person. Before, my biggest concern was continuing the firm’s reputation.”
- “What to do when I retire from the business.”

Other Issues

Another big issue is that some owners have a hard time letting go of the business even after they “retire” or sell, as evidenced by responses to the question, “Are you or do you think you will have trouble letting someone else run the business when the time comes?” and “What role do you see yourself taking, if any, after transfer of ownership?”

Others, however, are looking forward to this day. Responses to these two questions included:

- “When it’s over, you must give up full reign. Cut the cord and let your successors steer the ship.”
- “Hopefully I’ll be sitting underneath a palm tree.”

Others see themselves remaining actively involved, with owners giving responses such as:

- “The community is used to the way we do things now. Not that we are the best, but we give them what they expect to see. Wholesale changes will not be welcome.”
- “I’ll continue in the role I am currently in.”
- “I plan to own the business until death.”
- “Just being seen a few hours a day during visitations and funerals.”

Looking Ahead

If you are putting off planning in these areas because the “children are too young” or because you are “not ready to retire,” it might be time to reconsider your approach.

In future weeks, we’ll share with you more results from our survey and added analysis in two additional in-depth articles. Discover what our experts say about the results, and what you can learn from what respondents are doing right and wrong.

FSI is on Break Next Week

We hope you enjoyed this extra-long issue of *Funeral Service Insider*. We’ll be on a regularly scheduled break next week; the next issue you receive will be dated May 24.

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Sincerely,



Thomas A. Parmalee, Executive Editor

