

Cemetery must keep operating, state says

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EDWARDSVILLE - The Illinois Comptroller's Office is in the process of revoking the pre-need services license of the owners of Valley View Cemetery and has ordered them to keep the facility open.

"They have a responsibility to the people they have sold these pre-need burial contracts," said Carol Knowles, a spokeswoman for the comptroller.

She said a hearing is set for Aug. 4 to show cause why the license should not be revoked.

Word of the possible closing of the troubled cemetery spread early this week after the daughter of the deceased owner showed up at the facility and fired the staff.

"She told them, 'We're done,'" Lt. Scott Evers of the Edwardsville Police Department said. He has been working with the Madison County State's Attorney's Office and the Comptroller's Office to unravel ownership questions and hold the parties responsible. Meanwhile, burials have taken place with the volunteer help of former employees.

More burials are scheduled for the next few days.

The Comptroller's Office targets a company, Mid-America Growth and Development of Columbia, Mo., owned by the estate of the late Hillman C. Crowell, who died in a car accident earlier this year. His daughter, Carol Lynn Horton, has been paying the employees since her father died, but she fired them on Saturday.

She claimed that the property was deeded to a former owner, Forever Group, but the Comptroller's Office has named Mid-America Growth only. Comptroller Daniel Hynes claims Mid-America did not properly transfer the property.

That office claims Mid-America failed to receive deposits into the appropriate trust accounts; performed unauthorized fund distributions; failed to adhere to the terms of the sales agreement between Mid-America and Forever Illinois, an affiliate of Forever Group; failed to notify the Comptroller's Office of a sale or transfer of its assets; failed to file annual reports for 2006-2008; and failed to secure the fidelity bond to back up the trust accounts.

An official complaint filed by the auditors claims an audit found about 500 contracts for the sale of cemetery and burial services from May 1, 2005, and through the audit period of May through July last year.

However, the company never established the trust funds, according to account statements at the company's bank.

Comptroller Hynes alleges the company had no supporting documentation for fund withdrawals. Some of the money was used for maintenance at the cemeteries and some of the money was taken for personal use.

A letter to Mid-America and its lawyers, from an attorney for Hynes' office, says the responsibility for honoring the pre-need contracts remains with Mid-America, since the owners failed to comply with the notice that they had deeded the property to Forever Illinois.

"Practically speaking, this means that if a consumer purchased a pre-need contract at Mount Hope (a Belleville cemetery owned by Mid-America) or Valley View Cemetery, upon the consumer's death, Mid-America - not Forever Illinois - has a duty to provide the goods or services detailed in the purchaser's contract," according to a letter from Assistant Counsel Jessica Sohl.

The complaint and letter from the comptroller's lawyer are accompanied by an order.

"You are hereby ordered to discontinue all unsafe and unauthorized practices and act in strict conformity with the requirements of the law," the order states.

The owners are also ordered to stop accepting any and care funds.

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