



MANTECA BULLETIN.com

Wednesday, June 25, 2008

Death knell for cemetery?

State: East Union lacks licensed manager

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Manteca's historic East Union Pioneer Cemetery is about to hit a dead end.

And that could happen sometime this week.

That death knell, which will mark the end of any more burials held at the resting place of many historical and pioneer figures in the community including Joshua Cowell, the Father of Manteca, is the official revocation of the cemetery owners' license.

The problem: California officials say the East Union Cemetery Association, which is listed in state records as the cemetery's owner, does not have a licensed cemetery manager in place.

"What we have right now is a decision from the administrative law judge recommending that we revoke their license. Their license will be revoked as soon as the director of the State Public Consumer Affairs (Carrie Lopez) signs off on the order of the judge. It'll probably go to her (for signing) sometime this week," said Russ Heimerich of the state Department of Consumer Affairs which oversees the Cemetery and Funeral Bureau.

"This is not something we like to do because we realize cemeteries need to be in business, but we bent over backwards to work with these people. And the fact they didn't show up (at the hearing), we had no choice at that point," Heimerich said.

The hearing before the judge was held on May 23, "and they never showed," he said.

Heimerich said the state has been trying to hammer out a solution with the cemetery association for nearly two years but never got any response or cooperation from the owners.

"In January 2007, we submitted an accusation to try to revoke their license because they did not have a licensed cemetery manager as required by law. We've been trying to work with them and asked them to meet with us to try to iron this out," Heimerich said.

"We contacted the owners of the cemetery - apparently, it was a man and a woman who owned it, but I don't have names - but they just won't respond. They won't return our calls," he added.

He said the name listed in state records as the contact for the cemetery association is Gail Ellwood. However, the Manteca Bulletin found out from the wife of the cemetery board president, David Vest, that the person is Bonnie Ellwood, the secretary and treasurer of the association who lives in Manteca.

The Bulletin also learned from various sources, and was confirmed by Monette Vest, that the board has not had a meeting in the last two years. Monette Vest said her 87-year-old husband has not been informed about any correspondence from the state about the complaints or the hearing. Her husband was out on another meeting Monday evening and could not be reached for comment.

The association apparently has only two board members left, Vest and Ellwood.

Ellwood could not be reached for comment either Monday evening at the Almond Blossom Mobile Home Estates where she lives, according to state records.

What's next after license is revoked?

After the cemetery association's license is revoked, "then the cemetery will be prevented from holding most burials," Heimerich said.

What that means, he explained, is that the law will "make allowances" and allow some burials to take place at the cemetery.

"If you've purchased plots, then the law makes arrangements so that people who bought a pre-need plot can still be buried," Heimerich said.

But the cemetery will no longer be able to accept "any new business" and sell any burial plots, he said.

"I've been concerned for a while. I know they've been having some problems," said Ken Summers, director of P.L. Fry and Son Funeral Home founded by his grandparents in Manteca.

He said he was aware that "you have to have a licensed cemetery manager, and they have no one there."

Summers said it is important to have a cemetery manager who is licensed because "you have to know the laws, how many people can be buried there," among other things.

He also noted that the cemetery association board is practically nonexistent, "but I don't think it's anybody's fault," he quickly added.

The cemetery has two workers, and "they do a great job except they are not licensed," said Summers.

It was Summers who brought up the cemetery's dilemma to the board of the Manteca Historical Society.

"I brought it up not as a business" but as a matter of community interest, said Summers who also happens to be a member of the historical society's board.

"The community needs to be aware that this could possibly happen," he said of the state shutting down the cemetery for any future burials.

Historical Society to host "Cemetery Walk" Saturday

The historical society's answer was to sponsor a "Cemetery Walk" this Saturday at the East Union Cemetery located on the southwest corner of Louise Avenue and Union Road.

This hourlong guided tour of sorts, to be led by Manteca Historical Museum Director Evelyn Prouty, will begin at 10 a.m.

The purpose of the walk is to bring the community's attention "as to who's there and to preserve it," said Prouty whose pioneer ancestors are among those buried at the cemetery.

For example, Prouty pointed out that buried at the pioneer cemetery are 12 Civil War veterans, the former scout to General Custer, a man whose body was found at the San Francisco City Hall when it was being excavated, and of course, the Father of Manteca, Joshua Cowell.

"We're going to give a little history on the pioneers and a little bit on the early leaders," as well as the connections to Manteca of others buried there, she said.

Prouty said that as far as she knows, the cemetery association has an endowment fund set up in 1872, a portion of which is for the cemetery's upkeep, salaries for the two caretakers, and other expenses, "but nobody seems to know how much money is in it."

There are reportedly still 240 burial plots available at the cemetery.

Can the historic cemetery be saved?

"There's nothing that can't be turned around. Somebody needs to take the task," an optimistic Summers said about the future of the pioneer burial ground.

But the cemetery association may have used all of its proverbial nine lives.

Heimerich said the cemetery owners have been given more than ample time to solve the problem and "didn't know how much more extension" the state could have given the cemetery owner to get them to take action on the complaint.

"We've been working with them for more than a year and a half to try to get them to hire a licensed cemetery manager and they haven't done it. That's what we originally tried to do. We tried to get them to do the right thing," he said.

As for any possibility of postponing the official revocation or even staying it, Heimerich said, "I don't see how that can be done, unless they get a licensed cemetery manager. But now, they will have to probably, if the revocation goes through, reapply for licensure and that will take a lot longer."

He concluded, "we didn't originally try to shut them down."

For more information about the Cemetery Walk on Saturday, contact Evelyn Prouty at 982-0339 or just show up at 10 a.m. at the cemetery to join the group.

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