

Candy Warden, President

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10240 Harvest Fields Drive

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HB 1354 Testimony: FAVORABLE

Sponsor: Delegate Simmons,

My name is Candy Warden, I am President of the Rosa Bonheur Society, Inc. (RBS), a volunteer, nonprofit group formed to protect the Rosa Bonheur Memorial Park (RBMP), a Maryland human and pet cemetery with thousands of burials. The people with loved ones resting at our cemetery span across all the counties of Maryland.

What is an Abandoned Cemetery?

An abandoned cemetery is a burial ground that is no longer being professionally operated or maintained. Abandoned cemeteries are not active in performing new burials and are typically in deteriorated conditions due to lack of upkeep.

Why is HB 1354 Important?

Abandoned cemeteries have no designated ownership, which results in dangerous, unkempt areas that negatively impact families, persons in interest, and communities. Abandoned cemeteries are also frequently targeted by developers who view them and the concerned families, friends groups, and person(s) in interest without respect.

There is no process established for abandoned cemeteries to be acquired by the State, a county, or municipality thereby enabling transfer to families, non-profit, and community groups that will maintain them.

Legislation prohibiting the sale or transfer of cemeteries by owners without the approval of the Office of Cemetery Oversight must be enacted to avoid the desecration and destruction of Maryland cemeteries. It is imperative that guidelines, requirements, and procedures be established that would facilitate sale, transfer, or government acquisition of abandoned cemeteries. Consequently, cemeteries could be protected for those concerned and that legal responsibility for care and maintenance could be assumed.

A Case in Point

In 1978, the Rosa Bonheur Memorial Park was purchased by developer, William Green. Shortly thereafter Mr. Green founded a second pet cemetery, Green Meadows. Mr. Green continued to sell plots

and funerary goods at Green Meadows, but had in reality had sold the cemetery to another developer. In 1981 the Office of Consumer Affairs filed an order against Mr. Green in violation of consumer laws. All charges were dismissed when he paid to move 125 pet's remains from Green Meadows to RBMP.

In 1996, the Office of Consumer Affairs filed civil and criminal charges against Mr. Green for deceptive trade practices and misdemeanor theft. The outcome was that he partially reimbursed RBMP plot owners for memorial services not rendered and received an 18 month suspended sentence, 100 hours of community service, and one year probation.

By 1997, RBMP had gone into receivership and was purchased by developer Gunther Tertel DBA Bonheur Land Co. LLC. At the auction for RBMP the Animal Welfare League and a multitude of plot owners were outbid by Mr. Tertel. Mr. Tertel publically stated in the media that he intended to build various businesses on the RBMP property and subsequently closed RBMP in 2004. RBMP fell into a severe state of neglect that it has never recovered from. Families were harassed by Mr. Tertel and his representatives trying force them to remove their human and pet remains from the cemetery, so that he could develop it. In 2011, Mr. Tertel died.

From 2012 to approximately 2015 another developer, Don Reuwer, was interested in acquiring the cemetery for development. RBS worked for three years to deter the project he proposed and he eventually backed off.

From approximately 2015 to the present a developer, Mark Levy, has been seeking to develop RBMP. RBS members as per the recommendation of Calvin Ball, currently County Executive, met with Mr. Levy for three years .in an effort to reach an agreement that would protect and preserve the cemetery. At the last meeting with Mr. Levy he finally announced that his plans were to destroy the cemetery by developing on it. The meetings with him to protect and preserve the cemetery had been a ruse all along.

In 2022 and 2023, RBS was contacted twice by funeral entities about disinterring human remains on the behalf of the developer's LLCs. In 2022, Robert Anderson of Meadow Ridge cemetery cancelled a disinterment contract as none of families would agree to removal. In 2023, Ed Sagel (SBD&G Funeral Care) discovered that the situation at RBMP had been misrepresented to him and that the people buried at RBMP did have family members that opposed removal. Consequently, he declined to perform the removals.

In 2023, human graves were desecrated the week before Christmas (2023) with human remains being exhumed and relocated without the permission of families and without the direction of a funeral services professional. Pet graves were also wantonly destroyed that surrounded the human graves.

The families that suffered disinterment(s) have never been notified of the location of their loved ones' remains by the desecrator(s). Are the human remains still extant? Have they been dumped in a mass grave somewhere? Have they been thrown away? Were the remains only partially exhumed or churned into the ground? Only the desecrator(s) know the answers to these questions.

Although families paid significant amounts of money for plots, caskets, vaults, memorial markers, and other services for human and pet burials and received deeds for their plots they have been victimized by their loved ones being violated.

Who is responsible for this desecration and damage? A developer that our group met with for three years in an effort to reach a mutual agreement to protect the cemetery. The developer is hiding behind LLCs, which even the Maryland Office of Cemetery Oversight has yet to untangle. It has been over a year since these tragic events were perpetrated and the person(s) responsible have not been legally identified; just the LLCs.

When this cemetery went into receivership (1997) there was no process established for abandoned cemeteries to be acquired by the State, a county, or municipality that would enable transfer to families, non-profit, and community groups that would protect and preserve them. Since 1978 the people with loved ones at RBMP have suffered: 1) Nineteen years of mismanagement and criminal abuse by William Green, and 2) over twenty eight years of threats by developers. Forty seven years of abuse that could have been ended decades ago if legislation, such as, HB 1354 had been enacted. It is not too late to bring closure by honoring the socio-cultural, religious, and ethical beliefs of families, person(s) of interest, and communities by enacting the proposed legislation,

Benefits of HB 1354

- Abandoned cemeteries could be acquired by a county, municipality or by the state for transfer to a family, non-profit, or community that would provide maintenance.
- Necessary legal protections would be provided, a voice for families, friends groups, and person(s) in interest, and support for their diverse social, cultural, ethical, and religious beliefs and how they choose to honor their dead.
- Abandoned cemeteries would no longer be dangerous, unkempt areas, but spaces of respect, serenity, and order that would benefit and beautify their communities.

Remains interred in a cemetery must at all times be treated with honor, dignity, and respect. These beliefs are normative and widely held by Constituents across Maryland. Cemetery legislation is critical to protect all Maryland gravesites.

Thank you for your kind consideration of this testimony, which is greatly appreciated.

Sincerely,

Candy Warden

Rosa Bonheur Society, Inc. (founded May 2007)

2010 Periwinkle Award Winner, Coalition to Protect Maryland Burial Sites