

September 24, 2018

Ms. Roxanne Ready
Capital News Service
7765 Alumni Drive
College Park, Maryland 20742

Re: Public Information Act Request

Dear Ms. Ready:

This is in response to your email dated September 18, 2018; our office will treat the email as a request made to the Office of Cemetery Oversight ("OCO") under the Maryland Public Information Act ("MPIA"), in which you seek records related to the following:

1. A copy of the Office's databases of complaints and inspections; and
2. Confirmation that the Office does not maintain a record of disinterments.

First, as to your inquiry about disinterments, our Office maintains an Excel spreadsheet, but only as to disinterments and reinterments that take place within the same cemetery. If records of disinterments for reinterment outside of the original cemetery are maintained, they would probably be in the offices of the State's Attorney for the original cemetery county, as disinterment permission is usually granted by the State's Attorneys or by the circuit courts. Additionally, if reinterment is to take place outside of the original cemetery, the parties would be required to obtain a burial transit document from the State Board of Morticians, in the Maryland Department of Health.

As to the first question, please be advised that it will take more than 10 working days to produce the records you requested. I am writing to give you a date by which we expect to be able to complete the task, to explain why we are not able to produce them more quickly, and to provide an estimate of the costs of producing the records.

Although I am custodian of the Db2 database for the Office of Cemetery Oversight ("OCO"), and that database contains the registration and permit information for all persons subject to the provisions of Title 5 ("Cemeteries") of the Business Regulation Article (Bus. Reg.), the database does not contain the records of inquiries or complaints against the entities you described.

However, I am also the custodian of the records containing inquiries and complaints against businesses and individuals subject to permitting and registration by the OCO. This record is maintained in an Excel

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spreadsheet, which I believe would generally be subject to disclosure and copying. Please understand, though, that as provided in §5-102 of the Business Regulation Article, the following are not subject to registration or permitting through the OCO:

1. A person that owns a bona fide religious-nonprofit cemetery in Maryland;
2. A cemetery owned by a not for profit organization created before 1900 by an act of the General Assembly;
3. A county, city, or municipal corporation that owns and operates a cemetery in Maryland;
4. A veterans' cemetery operated by the State; and
5. A private family cemetery that does not conduct public sales.

The spreadsheet also includes inquiries and complaints made directly to this Office about cemeteries and other entities that are not subject to the registration and permitting statutes administered by the OCO. Please understand that while this Office does regulate monument dealers, and providers of burial goods operating in Maryland, we regulate only about 115 cemeteries in Maryland out of the more than 5,000 estimated to be operating or formerly operating in this State.

It is the policy of our agency that the public has the right to know the nature of non-pending complaints against registrants and permit holders. And again, although I believe the material contained in the Excel spreadsheet is generally subject to disclosure under the MPA, please be aware that some of the records contained in the Db2 database may contain information that is not subject to disclosure and may, therefore, be subject to redaction. General Provisions Article ("G-P"), §4-333.

The Excel spreadsheet contains inquiries and complaints filed from Fiscal Year 2013 through Fiscal Year 2017, and our staff has begun collecting those records that are in our custody and that are responsive to your request. However, as I mentioned, and as required to G-P §4-203(b)(2), I wish to advise you that it will take more than ten business days to respond to your request to produce the records.

The delay in producing a responsive record is attributable to the fact that the Db2 database may contain specific records or information that must be withheld or redacted pursuant to specific provisions in the Act. Consequently, the entire file would have to be reviewed before we can produce responsive records. I anticipate that my Office will need an additional 30 working days to assemble and produce the records.

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We expect that responsive records will be available for you by October 22, 2018, and they can be sent to you electronically. If you believe that you will need only the information contained in the Excel spreadsheet, please let me know, as that will reduce the necessary compilation and preparation time considerably.

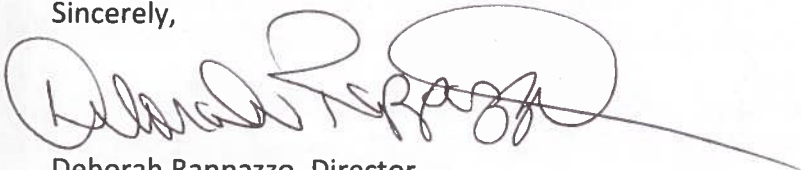
At this point, I would like to make you aware of certain statutory and regulatory provisions. To the extent required, the Act entitles you to two free hours of the "search and preparation" of records. G-P, §4-206(c); Code of Maryland Regulations ("COMAR") 09.01.04.14.A.(1) and 09.01.04.14.E. If additional time is required, this Office may charge a reasonable hourly fee, in addition to the fees for the copies themselves. G-P, §4-206(b) and (d); COMAR 09.01.04.14. At this time, I anticipate that review and preparation of the requested records will take approximately 20 hours at a cost of \$33 per hour.

Again, the review and preparation of the copy of the Db2 database a copy of the accompanying documentation would be more expensive as it would entail considerably more hours of preparation. Both the statute and the regulations provide that an applicant may obtain copies of public records upon payment of reasonable copy fees or may request a waiver of the copying charges. On the other hand, printing the Excel spreadsheet would be considerably less expensive than the review, redaction, and copying of the Db2 database and any accompanying documentation database.

If you wish to obtain the originally requested Db2 electronic copies, please let me know as soon as possible, and we will provide you with the estimated costs associated with the process. If you believe that the Excel spreadsheet will provide you with the necessary information, please let me know that as well.

If you have any other questions, please let me know.

Sincerely,



Deborah Rappazzo, Director
Office of Cemetery Oversight

cc: Mr. John Papavasiliou, Deputy Commissioner
Stuart J. Cordish, Assistant Attorney General