



# NFDMA NEWSLETTER

VOLUME 2 ISSUE 1

JANUARY, 2012

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## Lead Story Headline — Membership in NFDMA

National Funeral Directors and Morticians Association, Inc. (NFD&MA) was organized under the name of the Independent National Funeral Directors Association in 1924 under the leadership of R.R. Reed. It was organized by a group of licensed funeral directors seeking to maintain high professional standards for the benefit of the public and their own business community. Our history upholds that this is a membership association of professional funeral directors and morticians whose members are members of Associations chartered through the National Funeral Directors & Morticians Association Incorporated, excluding any exceptions as provided for in the By-laws.

**NFDMA, Inc.** is a membership association dedicated to promoting the common professional and business interests of its members. The Association charge is to foster research, conduct workshops and seminars, investigate funeral practices, develop and maintain standards of conduct designed to improve the business condition of its members and to maintain

high standards of service for the benefit of the public.

The Association is dedicated to promoting the common professional and business interest of its members. It is not organized for profit or to engage in any activity ordinarily carried on for profit. No part of any net earnings of the Association will insure to the benefit of or be distributed to its individual members, officers, directors or other private individuals, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and set forth in the By-laws.

Leading Associations make it a practice to be contributing members of varied industry organizations serving their industry. The impact and importance of membership in funeral industry organizations cannot be overstated.

**NFDMA, Inc.** is actively involved with varied funeral service organization

to enhance the professional growth of its members. As a member of this Association, you become the beneficiary of the partnerships we have with those organizations that provide working relationships for the betterment of self. Building on the ideology for enhancing businesses and educational endeavors, the Association strives on developing avenues to foster growth. There are many benefits of being a contributing member of this Association. A few of the primary advantages are listed below:

**NFDMA, Inc.** provides a public voice for individual members and State Associations. They serve a critical role in creating positive public awareness and in lobbying local and national legislative bodies in areas of importance for specific funeral industry concerns.

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**NFDMA, Inc.** establishes educational, certification and standards programs to ensure that a high level of quality, safety and reliability is practiced by member companies and assist in the development of future skilled workers for the funeral industry.

**NFDMA, Inc.** provides a forum for innovation and best practices in their support of technical initiatives, research, and technical and business expos.

**NFDMA, Inc.** is a strong advocate of the importance of belonging and contributing to appropriate funeral industry associations. We are a member of FAMIC where our General President, Gregory Burrell serves as president. We are a vital member of the American Board of Funeral Service. The Association works closely with National Funeral Directors Association, Cremation Association of North America, Casket and Funeral Supply Association, International Office of the Golden Rule, Monument Builders of North America, National Concrete Burial Vault Association, and Selected Independent Funeral Homes. These organizations are working together for their members and the public at large.

### **THE IMPORTANCE OF HAVING A MUSIC LICENSE (ASCAP)**

**Q. Why does a funeral home have to pay an annual music licensing fee?**

A. The fee is to pay for a license that permits the funeral home to have music performed on its premises or wherever it holds funeral services, whether it is performed live, through recorded music over CDs, DVDs, and cassettes, or by music-on-hold. Without a license, a funeral home that allows music to be performed at its facility commits a violation of federal copyright law.

**Q. Does the NFDA music license only cover the funeral home facilities or does it allow music to be performed at offsite funerals?**

A. Funeral homes holding the NFDA music license are authorized to have music performed at any place where funeral services are conducted by the funeral home. This would include gravesites, schools, auditoriums, outside parks, private residences and anywhere else where a visitation, funeral or memorial service is held.

**Q. Our funeral home does not have a music system, although we will allow families to bring in their own music to play during funeral services. Do we need a music license?**

A. Yes. It does not matter who performs the music or who arranges to have the music performed. The license is required by the operator of the business in which the music is performed.

**Q. Didn't Congress pass a music license exemption several years ago for small businesses?**

A. Yes, but that covers only music played over the radio and television. The exemption also applies only to retailers with a building less than 2,000 square feet in size. Therefore, even if a funeral home fell below the 2,000 square foot restriction, the exemption only applies to music played over the radio or television. It would not cover music performed live, through CDs, DVDs, cassettes, or music-on-hold.

**Q. Isn't there also a religious exemption that allows music to be performed at funeral homes without a music license?**

A. If the funeral home only permits music to be performed at a religious service that is conducted by a member of the clergy, then a music license will not be required. If music is performed at any other time, the license is necessary. Therefore, without a license, a funeral home could only permit music to be performed during funeral services presided over by clergy. The performance of music at any other time or place would place the funeral home in violation of federal copyright

**Q. What are the penalties for copyright infringement?**

A. For each song that is performed without a license, damages are set by federal statute at a range of \$750 to \$30,000. However, if the jury finds that the infringement was "willful," the damages can be increased up to \$150,000 per song. In addition, an infringer who loses the lawsuit will have to pay the attorney's fees of the plaintiff. Because a violation occurs for each song that is played without a license, the damages in copyright infringement cases can mount up very quickly. In a 2002 lawsuit brought by SESAC against a Pittsburgh area radio station that did not have a SESAC license, a jury awarded \$1.2 million because the radio station had played 31 songs from the SESAC library. The award climbed into seven figures because the jury had found that the radio station's infringement was willful. On top of the \$1.2 million verdict, the defendant also had to pay SESAC's attorney fees which totaled nearly \$500,000.

**Q. Are funeral homes being targeted by the music licensing organizations for enforcement?**

A. Yes. In the second half of 2009, ASCAP started an aggressive enforcement program in Iowa, Nebraska, South Dakota and North Dakota. ASCAP inspectors were shocked by the number of funeral homes without licenses. These homes were required to pay license fees for 2009 to ASCAP which were higher than the annual music license fee that NFDA negotiated to cover ASCAP, BMI and SESAC. ASCAP has now taken this enforcement effort across the country and SESAC has also taken notice. SESAC recently sent out warning notices to over 16,000 funeral homes. Since the time period for funeral homes to obtain their 2010 music licenses has expired, it will not be difficult for the music licensing organizations to go after unlicensed funeral homes since they know which funeral homes have licenses and which do not.



*From  
Dana Lemon  
Legislative  
Chair*

*2012  
Legislative  
Hill Visit*

On Tuesday, January 17<sup>th</sup> the Second Session of the 112<sup>th</sup> Congress convenes. These men and women will assemble in our nation's capital to debate public policy and determine laws impacting its citizen constituents. However, these decisions cannot and should not be made in a vacuum. The process of political advocacy creates a bridge between the people developing the public policy and the people most impacted by these decisions. It enables us to influence public-policy and resource allocation decisions impacting our industry and our community. Now, more than ever, the role of political advocacy is critical to ensure that policies are developed to respond to the needs of all people, that public policy is inclusive and engaging and when necessary to propose policy solutions to decision makers.

NFDMA needs you to become a political advocate. We need your voice to ensure that public policy is established and legislation is passed to positively impact our industry and community. Join us for the 2012 NFDMA Advocacy Summit held in Washington, DC on March 7-9, 2012 at the Renaissance Mayflower Hotel. Join us as we combine our voice with NFDA, CANA, KAVOD, OGR and SIFH to share important information with Members of Congress in several areas including veteran's affairs, Social Security and life insurance. Our voice is much stronger when we speak united and no matter what governmental hurdle our industry faces, there are only two tools to success: persuasion and power through political advocacy. Save the date and join us in Washington, DC.



*MEET  
MR.  
CORNELL  
W.  
ROBINSON  
-CARROLL*

MR. CORNELL W. ROBINSON-CARROLL is our new Membership Coordinator and Education Assistant for the National Funeral Directors and Morticians Association, Inc. A native of Jacksonville, Florida, Mr. Robinson-Carroll has over eight years of experience in the funeral industry and over twelve years of special event planning and administrative management.

He is an honors graduate of Stanton College Preparatory Schools, where he was year-book editor and co-founder of the Stanton National Historic Heritage Foundation.

He attended Jacksonville University, majoring in the field of music education. He holds an Associate Degree in Applied Science from Gupton-Jones College of Funeral Service and is currently pursuing a degree in Business Administration. He is also a member of Pi Sigma Eta National Morticians Fraternity, Inc., NAACP, Tri-Music Honor Society, as well as the Gospel Music Workshop of America.



## MESSAGE FROM THE GENERAL PRESIDENT



Peace and greetings to all NFDMA members and friends.

As we have celebrated the birth of our Lord and Savior, Jesus Christ, it is my hope that all of you enjoyed this glorious Christmas Season.

I look forward to working with the entire membership to strengthen our organization.

So as we look to 2012. It is my prayer that God will grant us a prosperous and bountiful New Year.

Sincerely,  
Gregory T. Burrell, General President

## MESSAGE FROM THE CHAIRMAN OF THE BOARD



Welcome to this New Year of 2012. I trust the holiday season was a meaningful and joyous time for you and your family. Pray for our members that have lost loved ones during this past year and those that may be in ill health. Take time to send a card or make a telephone call to let them know we are thinking about them.

Exciting things are going on in the life of our beloved association. We are preparing for our House meeting in Raleigh, NC and our National Convention in Las Vegas, NV. Our work continues to make the association and its members more informed and educated. Have a wonderful, prosperous and safe year. "Whatever you do, whether in word or deed, do it all in the name of the Lord Jesus, giving thanks to God the Father through him." (Col 3:17 NIV)

Ernest C. Adams, CFSP, Chairman of the Board

## MESSAGE FROM THE EXECUTIVE DIRECTOR



Happy New Year from your National Office. I pray that 2012 will be prosperous for the Association as well as for our prospective business endeavors. I wish for all a successful year. There was a man who stood at the gate of the year and said, "Give me a light that I may tread safely into the unknown." Someone replied: "Go out into the darkness and put your hand into the hand of God. That shall be to you better than light, and safer than a known way." This is what we should do as we move into 2012. Our success will come when we put our hands in God's hand and he will show us the way. This year will be better than last year and next year will be awesome.

Dr. Carol T. Williams, CFSP, CPC, Executive Director



# HAPPY NEW YEAR FROM YOUR NATIONAL OFFICE

## Future Meeting Dates:

**Legislative Meeting** March 7 -9, 2012 - Renaissance Mayflower Hotel - Washington, DC

**House of Representatives** April 28-May 2, 2011 - Sheraton Raleigh Hotel – Raleigh, NC

**75<sup>th</sup> Annual National Convention** August 4 – 9, 2012 – The Mirage Hotel – Las Vegas, NV

**Board of Directors Administrative & Finance** October 27-29, 2012 - Hotel TBD - Atlanta, Georgia

**For State and District Meetings please refer to our website: [www.NFDMA.com](http://www.NFDMA.com)**

## Reminder:

### **The NFD&MA Southwest previously known as Airtran Benefits**

Airtran Airlines was purchased by Southwest Airlines and as of February 12, 2012 the transition will be completed. The national office has established an agreement with Southwest Airlines as we had with Airtran. You can continue to contribute to your national office when you fly Southwest Airlines as most of you do. Please review the wonderful benefits Southwest has to offer accessible by logging onto southwestairlines.com. The Association ID is **99563041** and password is **hendrix1**. This information is also listed on the back of your new membership cards. You should receive the membership card in the mail by the end January if your state has submitted its annual report.

With **Delta Airlines**, the Association will continue to receive Sky Miles when you fly Delta. When booking your flight, please put in the Association number as well as your Sky Miles Number. The Association Sky Miles Number is **US0012254**.

### **Our Preferred Vendors**

Before you buy, check with a nearby colleague to purchase in bulk. For a complete list of preferred vendors, visit our website at [www.nfdma.com](http://www.nfdma.com)

### **State/District Meetings and Convention**

The national office would like to thank the states that have submitted their State /district meetings and Convention information to us. For those of you that have not submitted your dates to the national office please do so ASAP so that we can update the calendar accordingly. Registration information for the upcoming House of Representative is forthcoming. Registration information will be posted on the NFDMA website, emailed and faxed out to the members. The only members that will receive a hard copy of the registration material will be those members that do not have an email or fax.

