

Conditions at Wilmington cemetery worry relatives and state officials

No peace found at city burial ground

By TERRI SANGINITI
Staff reporter

WILMINGTON — Somewhere among the nearly 36,000 graves in Riverview Cemetery lies the body of Melvin Allen.

The mystery is where the 57-year-old former autoworker is buried.

Workers have unearthed 12 graves in the search for Allen's bronze-coated casket, which bears his name engraved below hands clasped in prayer.

For nearly two years, his headstone has remained propped against a tree at the east entrance to the 87-acre cemetery, where in some sections knee-high weeds cover toppled tombstones.

"Every time I turn around, they don't know where he's at," Wilmington resident Jackie Allen said of her husband of 10 years. "I can't go visit him. I can't go for anniversaries, for birthdays. I can't go, period."

Allen's complaints about her husband's missing remains helped spark a state Attorney General's Office investigation of the 128-year-old cemetery, which straddles North Market Street between 31st and 33rd streets.

A state lawmaker also is looking into operations at the financially strapped, nonprofit cemetery after getting dozens of complaints about poor service and upkeep, many of them gathered by Wilmington resident Grace Duffy, who has relatives buried in Riverview.

Riverview Cemetery executive director Walt Mateja said burials began

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Melvin Allen's tombstone waits for Riverview Cemetery workers to find his remains. His plot and grave number were not recorded.



Jackie Allen of Wilmington stands where she believes her late husband, Melvin Allen, is buried in Riverview Cemetery. Allen can't have the marker put up because the cemetery is unsure of where he is buried.

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Cemetery: State lawmaker investigates complaints

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dropping off in the 1970s as crime increased in the neighborhoods around Riverview, and fewer people wanted their relatives buried there.

"As the burials started to drop off, income dropped off, and that made it hard to maintain the grounds," Mateja said. "Then the grounds don't look so great and burials drop off even more."

At least one other family has complained that a relative might be buried in the wrong plot, said state Sen. Harris B. McDowell III, D-Wilmington North.

McDowell has formed a task force of state officials and community leaders to consider ways to regulate cemeteries.

Delaware is one of nine states that has no one in charge of cemetery regulation or management, said Stephen V. Sklar, an executive committee member of the North American Cemetery Regulators, a networking and resource association.

"People who want to go pay their last respects should feel their family members are at peace and at a place of respect," McDowell said. "I don't think that's an overwhelming standard to set."

Mateja said he doubts Melvin Allen's body will be found. He said the cemetery cannot disturb any more burial plots without first getting permission from relatives, which he said is difficult.

The cemetery did not get permission from relatives before unearthing the 12 graves in the search for Allen's remains.

"Whether we were supposed to or not, I don't know," Mateja said. "We did what we had to do."

The investigation by the Consumer Protection Division of the state Attorney General's Office involves about 30 families with relatives buried in the cemetery, Deputy Attorney General Orla Rybackoff said.

"Some have multiple relatives buried at Riverview, or others share a common relative," she said. "It is a sizeable problem. We know it is a very serious problem."

Rybackoff said she would not talk about specifics of the investigation while it continues. It should be done this month, she said.

From pauper to king

On July 8, 1872, 60-year-old Elizabeth Warren became the first person interred in the cemetery, which then covered 20 acres. The lot cost \$4.

The people since buried in Riverview include Medal of Honor recipient John Shilling III, a Delaware Civil War sergeant who captured the enemy's flag in a battle Aug. 21, 1864, near Petersburg, Va.

"Riverview really does have a microcosm, from the pauper to the king," Mateja said. "It really reflects the community today with every economic, social, racial and religious class level."

The nonprofit cemetery company that runs Riverview was incorporated in 1872 by the Grand Lodge Knights of Pythias and the Independent Order of Odd Fellows.

The Odd Fellows held 120 shares in Riverview Cemetery Corp. and Knights of Pythias had 80.

Odd Fellows also owns cemeteries in Smyrna, Milford and Camden. More than \$174,600 was stolen from the perpetual-care fund of the Smyrna Odd Fellows Cemetery in the mid-1980s, according to the Attorney General's Office.

Prosecutors won two indictments in the case in 1988, but later dropped the charges, saying key witnesses either had died or were too sick to testify.

Today, membership in the fraternal organizations has dwindled as older members have died.

Nineteen of the original 20 Odd Fellows lodges in the state have merged into two fraternal lodges. The Eden Lodge now holds five shares of the cemetery stock; while the Delaware Lodge maintains 115.

The Grand Lodge Knights of Pythias lodges have folded in Delaware. Even though the organization has moved to Pennsylvania, the group continues to own its original 80 shares.

At Riverview, the perpetual-care fund has plunged from \$100,000 to about \$5,000 in five years because the number of burials has dropped so dramatically, Mateja said. Two decades ago, Riverview had 300 to 400 burials a

Delaware eyeing other states' laws

By TERRI SANGINITI
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Maryland sends out investigators when people complain that a cemetery has mishandled the burial of a loved one.

In Virginia, cemetery operators and people who sell burial plots must be licensed.

Both states have legislation being eyed by a task force looking at cemetery regulation in Delaware.

State Sen. Harris B. McDowell III, D-Wilmington North, formed the task force earlier this year. He said he wants the state officials and community leaders to study what Maryland has done.

Delaware has no separate cemetery board or agency to monitor perpetual-care trust funds, or to deal with consumer complaints about

cemeteries.

Maryland created an Office of Cemetery Oversight in 1997. The legislation grew out of complaints about poor cemetery upkeep, allegations of unethical sales practices and concerns about perpetual-care funds.

"In Maryland, people can't find whole cemeteries because they've been dug up, and it's now an interstate," said Steven V. Sklar, director of Maryland's Office of Cemetery Oversight.

The top obligation under Maryland law is for licensed cemeteries "to maintain the grounds and structures in a reasonable condition," Sklar said.

They also must keep accurate records of all sales, including the section and grave number where people are buried.

"A grieving family is not in the position to make a mental map of where their loved one is buried on the day of the funeral," Sklar said.

Regulators in the state can fine cemetery operators, or suspend or revoke their licenses. They also have the power to stop burials until a cemetery addresses problems.

Last year, Maryland's cemetery oversight office received 700 inquiries and complaints from the public, Sklar said. Virginia began licensing cemeteries in July using legislation similar to Maryland's.

Before the legislation, state officials lacked the authority to investigate most complaints, cemetery board administrator Eric Olson said.

"We're one of the last states to get on the licensing bandwagon," Olson said.



Melvin Allen, 57, died in November 1998. Since then, Riverview Cemetery has been unable to find his casket.

year, far more than the 97 so far this year, he said.

"What it boils down to is, we don't take in enough money to meet our needs," Mateja said. "You have 87 acres to maintain and not enough current sales to do it."

The cemetery had a \$101,280 loss last year, Mateja said.

Riverview also is owed \$10,310.41 in court-ordered restitution from Newark accountant Frank J. Biselis, who was convicted of felony theft in 1997. Authorities said he stole \$6,448.91 while keeping the cemetery's books.

Mateja said the Odd Fellows had considered selling Riverview, but had not found a buyer.

"With negative cash flow and no hopes of anything turning around, nobody's going to buy it," he said.

The stranger beside me

Weathered tombstones lie toppled amid weeds near where Bonnie Crony thinks her father is buried.

"He's supposed to be to the left of his aunt, who is to the left of his parents," Crony said. "They put his headstone to the right of his mother and father. How do we know Dad's in the right place?"

Crony said cemetery officials told her they could dig up the grave, but it would cost her \$2,000 if her father was in the correct space.

"We paid a lot to put the headstone on, and what's the point of paying for it if he's not even there," Crony said. "It gives new meaning to, 'Who's buried in Grant's tomb?'"

Mateja said the cemetery recently moved the headstone for Crony's father to where she thinks he is buried,

though no one has checked to make sure his casket is in the right place.

In 1987, a woman discovered Riverview had buried two people in plots she bought next to her husband's grave. Because of the mistake, the cemetery gave the woman three consecutive grave sites across from her husband.

Another family sued the cemetery in 1989, when three strangers were buried in the family plot. The family at the time also discovered that a deceased uncle was sharing a grave with a man buried in 1877.

Riverview officials admitted the mistake. A Superior Court jury said the family was owed nothing because the act was not wanted, willful, fraudulent or grossly negligent.

McDowell said he has taken dozens of complaints about Riverview, which is in his district.

The state's existing law on cemeteries, created in the 1960s, requires that one-tenth the cost of a lot be held in a trust account so the interest can pay for its upkeep.

The law also directs anyone who sells burial lots to record all sales.

But no one is in charge of overseeing cemeteries, Rybackoff said. Riverview's depleted perpetual-care fund is part of the state's investigation, she said. The state also is examining the cemetery's sale of "economy graves," Rybackoff said.

For a \$900 fee, the cemetery will provide a "double-depth site." With ocean only graves, one vault containing a casket is buried eight feet underground, and a second vault containing another casket is stacked on top of it.

Family members are sometimes buried that way, but with economy graves, the same plot has two strangers.

Some other Delaware cemeteries offer similar burials.

"The people who utilize that are very appreciative when we itemize the cost. It is quite a lot cheaper," said Paul White, manager of Silverbrook Cemetery in Wilmington.

Too long a wait

Melvin Allen died of cancer Nov. 9, 1998. His wife gave him an \$8,000 funeral — \$1,000 of which was spent to purchase the burial plot.

Jackie Allen said she learned Riverview could not find her husband's grave when his headstone arrived several months after his death.

Mateja said a cemetery worker failed to record Allen's plot and grave number.

House of Wright Mortuary funeral director Robert Wright said the cemetery should have put the grave location on a burial permit he gave Riverview the day of Allen's funeral.

"Mateja said Wright never gave him the permit."

He has offered to give Jackie Allen another plot where she could place her husband's headstone. But Allen said she has waited long enough for the cemetery to correct the mistake.

"I want to know where Melvin is," she said. "When I die, they're supposed to dig up a little bit and put my ashes in there with him. I just hope I don't die before they find him."

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