

Office of the Attorney General
State of LOUISIANA

Opinion No. 85-234
April 22, 1985

8-A-3 CEMETERIES

Sale arranged by an individual who is not a Cemetery Sales Organization or a Cemetery Management Organization as defined by LOUISIANA Cemetery Act, is invalid and not binding on affected cemetery.

R.S. 8:401; 8:408; 8:802(A)(C).

Ms. Frances C. Mayeaux, CPM
Director, LOUISIANA Cemetery Board
210 Veterans Memorial Blvd. Suite 103
Metairie, LOUISIANA 70005

Dear Ms. Mayeaux:

Your opinion request dated March 15, 1985 asks, in effect, whether an individual who is not contracting with either a Cemetery Sales Organization or a Cemetery Management Organization, as defined by LA. R.S. 8:401 and 8:408, respectively, may represent owners of cemetery plots in the re-sale of said plots.

We think not.

Briefly, the facts as presented in the opinion request indicate that an individual, one Mr. Noble Johnson, who is not representing either type of organization, is purchasing unused cemetery plots direct from the individual owners and reselling them to other individuals, in return for which he is being paid a fee.

Such activity by Mr. Johnson clearly violates the provisions of the LOUISIANA Cemetery Act, in that he is not either a licensed Cemetery Sales Organization or Cemetery Management Organization as defined in LA. R.S. 8:401 and LA. R.S. 8:408.

Furthermore, LA. R.S. 8:802(A) and (C), respectively prohibit the sale of cemetery space without the written consent of the cemetery organization concerned. The ultimate authority governing the buying and selling of cemetery plots belongs to the Cemetery Board and is subject to its rules and regulations.

Any sale which Mr. Johnson would arrange between a cemetery plot owner and a prospective buyer without authorization of the appropriate Cemetery Sales Organization or Cemetery Management Organization and without such sale being recorded in the cemetery's records, is not binding on the cemetery and is, therefore invalid.

If we can be of any further assistance, do not hesitate to contact us.

Yours very truly,

William J. Guste, Jr.
Attorney General

By: John R. Flowers, Jr.
Assistant Attorney General
La. Atty. Gen. Op. No. 85-234
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