

IC 23-14-61

Chapter 61. Conflicts of Interests by Cemetery Employees

IC 23-14-61-1

Prohibition against acting as agent or representative; approval to act as agent or representative

Sec. 1. (a) This section applies to a sexton, superintendent, manager, director, grounds keeper, caretaker, or other employee of:

- (1) a person, firm, association, limited liability company, or corporation that operates or maintains a cemetery for profit; or
- (2) a nonprofit cemetery that is supported in whole or in part by the use of public funds.

(b) A sexton, superintendent, manager, director, grounds keeper, caretaker or other employee referred to in subsection (a) shall not:

- (1) act as an agent or representative for a manufacturer or dealer of any commodity that is to be used or installed on cemetery property, including monuments or markers; and
- (2) receive for those services any consideration, either cash or otherwise;

unless the representation is approved in writing by the governing board of the cemetery.

(c) The written approval given by the governing board of a cemetery under subsection (b) must be:

- (1) made a matter of public record; and
- (2) prominently displayed in a public place on the cemetery property where it can be easily seen by persons visiting the cemetery property.

As added by P.L.52-1997, SEC.35.

IC 23-14-61-2

Unlawful discrimination or unfair trade practice prohibited

Sec. 2. A sexton, superintendent, manager, director, grounds keeper, caretaker, or other employee who:

- (1) is referred to in section 1(a) of this chapter; and
- (2) acts as an agent or representative for a manufacturer or dealer of any commodity that is to be used or installed on cemetery property;

is prohibited from engaging in any unlawful discrimination or unfair trade practice in violation of this article or any other related law against a manufacturer or dealer of a commodity used or installed on cemetery property whom the employee does not represent.

As added by P.L.52-1997, SEC.35.

IC 23-14-61-3

Writs of prohibition

Sec. 3. (a) Upon proper proof of a violation of section 1 or section 2 of this chapter, a court of competent jurisdiction may issue writs of prohibition.

(b) After the issuance of writs of prohibition under subsection (a), a fiscal officer who disburses public money to any:

- (1) person;
- (2) firm;
- (3) association;
- (4) limited liability company; or
- (5) corporation;

against whom or which a writ of prohibition is in effect is liable on the fiscal officer's bond.

As added by P.L.52-1997, SEC.35.