

## **Virginia Board of Funeral Directors and Embalmers**

### **Participation in Virginia Department of Treasury Unclaimed Property Audit**

The Division of Unclaimed Property (“DUP”) of the Virginia Department of the Treasury (“Treasury”) is responsible for the administration of the Uniform Disposition of Unclaimed Property Act, Va. Code § 55.1-2500 *et seq.* (“Unclaimed Property Act”). The Unclaimed Property Act requires that efforts be undertaken by business and other entities to locate lost owners of financial assets. If the owners cannot be located, the assets must be transferred to the custody of the DUP, from which those assets can be reclaimed by the owner at any time.

The DUP has determined that there are likely material amounts of unclaimed property associated with unfulfilled preneed contracts, where the beneficiary has been deceased for an extended period of time, but no goods or services have been requested or provided. The DUP is proactively seeking to identify unclaimed preneed assets, work with businesses to return the assets to the rightful owners, and, where assets remain unclaimed, assume custody and conduct ongoing searches for individuals entitled to those lost assets.

In the event DUP determines that a licensee holds such an unfulfilled preneed contract, and requests that the licensee transfer those contract proceeds to the DUP as part of Treasury’s initiative as described here, such a transfer will not be viewed by the Board as a violation of Virginia Code §§ 54.1-2806(B)(2), 54.1-2806(B)(3), or any of the provisions contained in 18VAC65-30.

Any actions taken prior to and independent of working with DUP to identify unfulfilled preneed contracts and transfer funds, however, will remain subject to board review and possible disciplinary action for any potential violations of law brought to the Board’s attention through the complaint process.