

2639

RECEIVED

From: Jewett, John H.
Sent: Monday, November 16, 2009 2:20 PM
To: Gelnett, Wanda B.; Wilmarth, Fiona E.; Johnson, Leslie A. Lewis
Subject: FW: 16A-4816
Attachments: PCCFA 16A-4816.rtf; 2006 - PCCFA Alternatives 16A-4816.pdf

NOV 16 PM 2:26

INDEPENDENT REGULATORY
REVIEW COMMISSION

Wanda: Please file the email and its two attachments as final comments on #2639. Thanks

From: DVDHEISTER@aol.com [mailto:DVDHEISTER@aol.com]
Sent: Monday, November 16, 2009 2:11 PM
To: IRRC; Jewett, John H.
Subject: 16A-4816

IRRC:
Please find attached two files: First, a letter from the Pennsylvania Cemetery, Cremation and Funeral Association (PCCFA) and, second, comments offering alternative language from PCCFA submitted to the State Board of Funeral Directors in 2006.
With thanks,
David A. Heisterkamp
President, PCCFA



2639

Pennsylvania Cemetery, Cremation and Funeral Association

RECEIVED

2009 NOV 16 PM 2: 26

INDEPENDENT REGULATORY
REVIEW COMMISSION

November 16, 2009

The Honorable Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street - 14th Floor
Harrisburg, PA 17101

RE: Opposition to 16A-4816

Dear Chairman Coccodrilli and Commission members:

On behalf of the Pennsylvania Cemetery, Cremation and Funeral Association, thank you for considering our input regarding proposed regulation 16A-4816.

Much has been said about the regulations so we would merely like to underscore what we consider to be a huge salient point: While the State Board of Funeral Directors conducted work sessions and received input into these regulations, it must be underscored that - for all intents and purposes - "outside" input has been totally ignored.

For instance, after a December 5, 2005 work session on these regulations, comments on 16A-4816 were requested by the Board within 30 days. We diligently produced comments and alternative suggestions in January, 2006 (please see comments attached in file: 2006 - PCCFA comments 16A-4816). We also participated in the March 21, 2006 work session and have regularly attended monthly meetings of the State Board of Funeral Directors. It is highly frustrating and disappointing that PCCFA input, as well as input from others, is utterly void of representation in these proposed regulations.

We ask that your commission reject these regulations as presented in order to allow the State Board of Funeral Directors to more comprehensively review and augment their final draft regulation 16A-4816.

Most sincerely,

David A. Heisterkamp
President

c: Thomas Blackburn, Esq.
State Board of Funeral Directors
PO Box 2649
Harrisburg, PA 17105

PA Cemetery, Cremation and Funeral Association
100 South 21st Street
Harrisburg, PA 17104
717-236-9970 Fax: 717-238-2799



2639

James J. Kutz
Direct Dial: 717-612-6038
Fax Number: 717-731-1985
jkutz@postschell.com

January 9, 2005

Via Hand Delivery

The State Board of Funeral Directors
c/o Board Administrator Michelle T. Smey
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105-2649

INDEPENDENT REGULATORY
BOARD OF PENNSYLVANIA

2005 NOV 16 PM 2:26

RECEIVED

PENNSYLVANIA

PHILADELPHIA

PITTSBURGH

HARRISBURG

LANCASTER

ALLENTOWN

NEW JERSEY

PRINCETON

RE: Suggested Draft Regulations Concerning the Activities of Employees and Agents of Licensed Funeral Directors Involved In Pre-Need Arrangements

Dear Ms. Smey:

I am honored to submit, on behalf of the Pennsylvania Cemetery & Funeral Association ("PCFA"), suggested Regulations for adoption by the Funeral Board concerning the inter-relationship between licensed funeral directors and employees and agents thereof involved in pre-need. In submitting these regulations for consideration, PCFA has attempted to take into consideration the licensed funeral director, the consumer, the protection of the public, and the ability to operate in the free market fairly and competitively. Because PCFA is a membership organization comprised of licensed funeral directors, cemeterians, sellers of merchandise, owners of crematories, licensed insurance agents and employees of licensed funeral directors involved in pre-need, we believe that the viewpoints and policy considerations of PCFA, as evidenced in this attached draft set of Regulations, is indeed balanced and reasonable for all involved in the death care industry.

You will note that the Regulations impose liability on the funeral director for the wrongful acts of his/her employees or agents and they require certain disclosures to prospective customers which, we believe, adequately protects the public and, at the same time, allows the free dissemination of information concerning the opportunity for consumers to enter into pre-need arrangements which eliminate uncertainty and confusion and/or dispute at the time of one's death. Additionally, you will see that we have proposed new defined terms involving pre-need and think that these new terms more appropriately represent terminology and documentation currently in place compared to those older definitions which we are recommending to be deleted. In this regard, if new terminology was adopted, as we propose, there may be a need for one or two other existing regulatory sections to have conforming language inserted which, of course, would simply involve replacing the old terminology with the new terminology.

In submitting these proposed Regulations for consideration by this Honorable Board, PCFA is pleased to report that the following organizations, entities and individuals have given their imprimatur to the suggested language and have authorized us to advise the Board of their agreement with PCFA's proposed language. Attached you will find copies of affirmations of support from the following:

1. Alan Creedy, President
Trust 100
2. David L. Dolan, President
Counsel Trust Company
3. Ronald W. Virag, President and CEO
Ameriserv Trust and Financial Services Company
4. Fred L. Meese, CFO
Great Western Insurance Company
5. Matthew J. Dew, Assistant V.P. and General Counsel
NGL Insurance Group
6. Adam Sheer, President
The Roosevelt Investment Group
7. Scott A. Sides, Senior V.P.
Smith Barney
8. Kevin Bean, President
Bean Funeral Homes & Crematory
9. Harry Neel, President
Jefferson Memorial Funeral Home & Cemetery
10. Robert M. Fells, External COO and General Counsel
International Cemetery Funeral Association
11. Gregg A. Strom, Senior V.P.
StoneMor Partners, L.P.
12. Robert S. Rae, President
Golden Considerations, inc.
13. Ernie Heffner, President
Heffner Funeral Chapels & Crematory

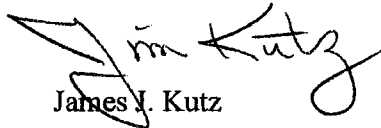
Michelle T. Smey
January 9, 2006
Page 3

14. Matthew F. McGuire, Chief Legal Officer
Assurant Preneed and its related insurance companies including American Memorial Life Insurance Company, Union Security Insurance Company and United Family Life Insurance Company
15. James H. Hodges
National Alliance of Life Companies

PCFA remains committed to working with the Board in an effort to finalize these Regulations and, to that extent, I would respectfully request that, if the Board has any questions or thoughts concerning this draft, they contact me so that I may allow my collective client to continue to cooperate with the Board in finalizing a set of Regulations which is balanced, protects the consumer, and allows for a fair and competitive market place environment, consistent with the rationale set forth in *Walker, et al. v. Flitton, et al.*

Many thanks.

Very truly yours,



James J. Kutz

JJK:dlh

Enclosure

cc: PCFA Board

DRAFT - PRENEED ACTIVITIES
BY EMPLOYEES & AGENTS OF
LICENSED FUNERAL DIRECTORS

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. Professional and Occupational Affairs

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

GENERAL PROVISIONS

§ 13.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * *

***[Prepaid burial account-*An account in which moneys are deposited by the funeral director during the lifetime of an individual in accordance with a contract executed between the parties for funeral merchandise and services to be performed and delivered at a future time.]**

***[Prepaid burial contract-*A contract executed between a consumer and a licensed funeral director which provides that the funeral director will provide funeral merchandise and render services to the consumer upon the consumer's death or the death of another designated individual and for which the consumer pays to the funeral director moneys at the time of the contract or at a time prior to the rendition of these services.]**

Pre-Need Arrangement - Any activity by or on behalf of a licensed funeral director contracting for the provision of services to be provided by a licensed funeral director upon the death of a specifically identified person living at the time of the activity.

**DRAFT - PRENEED ACTIVITIES
BY EMPLOYEES & AGENTS OF
LICENSED FUNERAL DIRECTORS**

Funded Pre-Need Arrangement - A pre-need arrangement for which monies are committed in advance of death either into a banking instrument via the licensed funeral director or paid to an insurance company for the purchase of an insurance product.

Pre-Need Contract - Any contract for the provision of services to be provided by a licensed funeral director upon the death of a specifically identified person living at the time of the activity.

Unlicensed Employee or Agent - Any employee or agent that is not a Licensed Funeral Director.

* * *

13.230. Utilization of employees or agents by a licensed funeral director.

(a) A licensed funeral director may permit an employee or agent to interact with customers concerning a pre-need arrangement in accordance with this section.

- (1) The funeral director utilizing such employees or agents shall be professionally responsible for the actions of such employees or agents.
- (2) Services to fulfill a pre-need arrangement subsequent to a death shall be provided by a licensed funeral director in accordance with the Act.
- (3) The licensed funeral director shall retain, and shall make available for inspection by the Board, employment or agency agreements with those employees or agents who are involved in pre-need arrangements.
- (4) When the employee or agent of the licensed funeral director discusses a pre-need arrangement with a prospective customer, the customer shall be requested to execute an Acknowledgment confirming that
 - (i) the customer understands that the employee or agent is not a licensed funeral director;
and
 - (ii) the customer may, if he or she desires, speak with the licensed funeral director before

DRAFT - PRENEED ACTIVITIES
BY EMPLOYEES & AGENTS OF
LICENSED FUNERAL DIRECTORS

signing any pre-need agreement.

(b) Funded Pre-Need Arrangements

(1) A Non-Insurance Funded Pre-Need Arrangement: A Pre-Need Arrangement for which the licensed funeral director, employee or agent is receiving monies under the Act shall be in full compliance with the three-day right-of-rescission and Notice of Cancellation as provided for under the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201.7.

(2) An Insurance Funded Pre-Need Arrangement: A Pre-Need Arrangement for which a licensed life insurance producer is involved shall be in full compliance with all laws enforced by the Pennsylvania Insurance Department.

(c) Ratification by a licensed funeral director

(1) A Non-Insurance Funded Pre-Need Arrangement shall be ratified by a licensed funeral director within the three-day right-of-rescission provided for under the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201.7.

(2) An Insurance Funded Pre-Need Arrangement shall be ratified by a licensed funeral director within the free look or grace period established by the Pennsylvania Insurance Department.

(d) Compliance: The failure to comply with the provisions of this section will be considered unprofessional conduct on the part of the funeral director in charge.



VANGUARD AMERICA CO.

January 2, 2006

Ernie Heffner, President
Pennsylvania Cemetery Funeral Association
c/o Heffner Funeral Homes
1551 Kenneth Rd.
York, PA 17404

Dear Mr. Heffner:

This letter is in reference to the "Draft – Pre-need Activities by Employees & Agents of Licensed Funeral Directors" under Annex A, Title 39. Professional and Vocational standards Part I. Department of State Subpart A. Professional and Occupational Affairs; Chapter 13. State Board of Funeral Directors – General Provisions.

I have reviewed the draft you supplied as of this date and believe it to be in the best interests of the consumer and the profession. It is an honor to support this measure as written.

Trust 100 is one of the oldest and largest independent marketers of pre-paid funerals in North America. Founded in 1979 we now market in 18 states and the Province of Ontario.

Thank you for allowing us to participate in this way.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Creedy". The signature is written in a cursive style with a large, sweeping flourish at the end.

Alan Creedy
President
Trust 100

CounselTrust

COMPANY

January 5, 2006

Ernie Heffner, President
Pennsylvania Cemetery Funeral Association
c/o Heffner Funeral Homes
1551 Kenneth Road
York, PA 17404

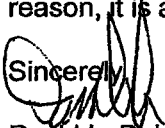
Re: Suggested Regulation – Pre-Need Arrangements

Dear Mr. Heffner:

Because of this company's recent fiduciary responsibilities relative to a significant number of pre-need accounts, I have researched litigation and other developments regarding pre-need accounts, arrangements and contracts. Recently, I have had an opportunity to review the draft regulation entitled, Pre-Need Activities by Employees and Agents of Licensed Funeral Directors that your association intends to submit to the State Board of Funeral Directors.

I have found the above-cited draft to be fair to both the funeral directors who will be providing the goods and services as well as the consumer who is making the arrangements. In the trust company's capacity as trustee of pre-need accounts, we maintain a fiduciary duty to the funeral director as well as to his customer whose funds are being held in trust as required by statute. In this regard, it is my opinion that the suggested regulation fairly represents the interests of each such entity and adequately addresses the recently debated and litigated role of non-licensed agents. For this reason, it is an honor to support this measure as written.

Sincerely,


David L. Dolan
President



January 3, 2006

The State Board of Funeral Directors
c/o Board Administrator Michelle T. Smey
Department of State
2601 North Third Street
P. O. Box 2649
Harrisburg, PA 17105-2649

Re: Suggested Regulation – Pre-Need Arrangements


Dear Ms. Smey:

Because of this company's fiduciary responsibilities relative to a significant number of pre-need accounts, I have closely followed litigation and other developments regarding pre-need accounts, arrangements and contracts. Recently, I have had an opportunity to review the draft regulation entitled, Pre-Need Activities by Employees and Agents of Licensed Funeral Directors that the Pennsylvania Cemetery Funeral Association intends to submit to your board.

I have found the above-cited draft to be fair to both the funeral directors who will be providing the goods and services as well as the consumer who is making the arrangements. It provides structure to the sales process and recognizes the role and the importance of agents who are not licensed funeral directors in dealing with the consumer. Most of all, the suggested regulation holds the licensed funeral director "professionally responsible for the actions of such employees or agents". It also requires disclosure to the prospective customer that the agent is not a licensed funeral director, but if the customer so desires, the licensed funeral director will be available to discuss the arrangements and proposed contract before it is signed by the customer.

In the trust company's capacity as trustee of pre-need accounts, we maintain a fiduciary duty to the funeral director as well as to his customer whose funds are being held in trust as required by statute. In this regard, it is my opinion that the suggested regulation fairly represents the interests of each such entity and adequately addresses the recently debated and litigated role of non-licensed agents. For this reason, I wholeheartedly support the suggested regulation and submit this letter as evidence thereof.

Sincerely,


Ronald W. Virag
President and CEO

RWV/dg



4 January 2006

Ernie Heffner
Pennsylvania Cemetery & Funeral Association
ernieheffner@hotmail.com
FAX 717-764-9919

RE: Pre-Need Regulation Draft of PCFA

Dear Mr Heffner,

Great Western Insurance Company endorses the proposed pre-need regulation as drafted by the PCFA. We authorize you to include us in the list of entities in support of this draft that you are submitting to the State Board of Funeral Directors.

We appreciate all of the efforts you and your staff, along with others from the funeral industry, have made to pull this draft together. It will be a major step forward in providing adequate disclosure to Pennsylvania consumers, while creating a fair and competitive market place.

Sincerely

Fred L Meese FLMI
CFO

3434 Washington Blvd.
Suite 100
Ogden, Utah 84401
800 621 5688
F 801 689 1391
gwic.com



NGL Insurance Group

Mathew J. Dew
Assistant Vice President & General Counsel
(608) 443-5219
FAX (608) 443-5191
mjdew@nglic.com

January 4, 2006

Michelle T. Smey, Board Administrator
State Board of Funeral Directors
PO Box 2649
Harrisburg, PA 17105-2649

Re: Proposed Draft Regulations Submitted by the Pennsylvania Cemetery & Funeral Association Concerning Preneed Activities by Employees & Agents of Licensed Funeral Directors.

Dear Ms. Smey:

National Guardian Life Insurance Company submitted written comments and registered to provide testimony at the hearing on the Board's *Exposure Draft Pre-Need Activities by Unlicensed Employees* held in Harrisburg on December 12, 2005. Unfortunately, a delayed flight kept me from arriving in time to testify.

Recently I had the opportunity to review the *Draft – Preneed Activities by Employees & Agents of Licensed Funeral Directors* prepared by the Pennsylvania Cemetery & Funeral Association. I believe this proposal merits adoption by the Board. This letter confirms that the proposed language of the draft has the full support of National Guardian Life Insurance Company.

Thank you for your consideration.

Sincerely,

Mathew J. Dew



**THE ROOSEVELT
INVESTMENT GROUP**

January 2, 2006

Ernie Heffner, President
Pennsylvania Cemetery Funeral Association
100 South 21st Street,
Harrisburg, PA 17104
Via email to ernieheffner@hotmail.com

Dear Mr. Heffner:

This letter is in reference to the draft regulation titled, "*Draft – Pre-need Activities by Employees & Agents of Licensed Funeral Directors*" as prepared by the Pennsylvania Cemetery Funeral Association.

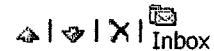
I wanted you to know that I support the regulation as drafted by PCFA.

Sincerely,

Adam Sheer
President

Scott Sides from Smith Barney

Sides, Scott A [PVTC]
<scott.a.sides@smithbarney.com>
>



Sent : Thursday, January 5, 2006 11:43 AM
To : "Ernie Heffner" <ernieheffner@hotmail.com>
Subject : Pre-Need in PA

Attachment 0_ssb_logo1.gif (< 0.01 MB)
:

Good morning Ernie and members of the Board of Directors for PCFA,

I have actively worked as a financial adviser to funeral homes and cemeteries in the death care industry since 1991. Having reviewed the ***Draft - Preneed Activities by Employees & Agents of Licensed Funeral Directors***, as proposed by the Pennsylvania Cemetery Funeral Association (PCFA), I am very pleased to provide you with this email confirming my full support for the proposed language as presented.

If I can be of any other assistance to the you or the Board regarding this matter, please feel free to give me a call.

Sincerely,

Scott A Sides

**Senior Vice President-Wealth Management
Corporate Client Group Director
Smith Barney
204 N. George St., Suite 300
York, PA 17401
717-854-5553 or 800-343-5235**





**Bean Funeral Homes &
Cremation Services, Inc.**

North 16th & Rockland Sts.
Hampden Heights
Reading, PA 19604

Robert E. Bean, Supv.
(610) 376-0985

129 East Lancaster Avenue
Shillington, PA 19607

Kevin M. Bean, Supv.
(610) 376-1120

**Bean Funeral Homes &
Crematory, Inc.**

3825 Penn Avenue
Sinking Spring, PA 19608

Terrence J. Shannon, Supv.
(610) 376-1129

6 Fairlane Road
Exeter Township
Reading, PA 19606

Joseph G. McCullough, Supv.
(610) 779-2800

www.beanfuneralhomes.com

Wednesday January 3, 2006

Pennsylvania Cemetery Funeral Association
Board of Directors
C/O Mr. Ernest F. Heffner, President
1551 Kenneth Road
York, PA 17404

RE: Proposed Pre Need Regulations

Dear Mr. Heffner;

Kindly accept this correspondence as my formal indication of support and endorsement for the PCFA proposed Draft Regulation pursuant to pre need activities by "unlicensed" individuals employed by licensed funeral directors in the Commonwealth of Pennsylvania.

Sincerely,

Kevin M. Bean
President
Bean Funeral Homes & Crematory, Inc.



Jan B. Jefferson
Supervisor

301 Curry Hollow Road • Pittsburgh, Pennsylvania 15236 • 412/655-4501

January 3, 2006

Pennsylvania Cemetery Funeral Association
100 South 21st Street
Harrisburg, Pa. 17104

To Whom It May Concern:

I was in attendance at the December 12th, 2005 hearing in Harrisburg regarding the State Board of Funeral Directors "Exposure Draft Pre-Need Activities by Unlicensed Employees." Though I did not testify I was definitely opposed to regulations the board had proposed. I was pleased to see that the Chair extended an invitation to submit comments and alternatives by Jim Kutz.

I have reviewed the "Draft - Pre-need Activities by Employees & Agents of Licensed Funeral Directors proposed by the Pennsylvania Cemetery Funeral Association (PCFA). I believe that the draft regulations presented by PCFA protect the interest of Pennsylvania consumers. They are also in keeping with the spirit of the Walker v. Flitton Federal Court ruling.

Please accept this letter as confirmation of my complete and full support for the proposed Regulations presented by PCFA.

Sincerely,

Harry C. Neel
President



January 4, 2006

State Board of Funeral Directors
c/o Board Administrator Michelle T. Smey
Department of State
2601 North Third Street
P.O. Box
Harrisburg, PA 17105-2649

Re: Suggested Draft Regulations Concerning the Activities of Employees
and Agents of Licensed Funeral Directors Involved in Preneed Arrangements

Dear Ms. Smey:

On behalf of the International Cemetery and Funeral Association ("ICFA"), we are pleased to endorse the above-referenced "Suggested Draft Regulations" that are in the process of being submitted to the Board by the Pennsylvania Cemetery & Funeral Association. We have been given the opportunity to review the draft regulations and we believe they represent a responsible, ethical method of disseminating important information to the public in order to facilitate the prearrangement of funerals. In particular, the fact that the draft regulations seek to hold the licensed funeral director responsible for the conduct of his or her employees and agents is an important safeguard in consumer protection. The draft regulations also provide that consumers will continue to have the opportunity to consult with licensed funeral directors if they wish. In sum, the draft regulations represent a responsible framework to expand the methods by which accurate and truthful information is conveyed to funeral consumers.

The ICFA was founded in 1887 and currently represents over 7,000 members primarily in the United States, but also in twenty-four foreign countries. The Association represents funeral homes, cemeteries, crematories, monument retailers, and related businesses such as accountants, attorneys, architects and engineers. Please contact me if you have any questions or wish additional information. Thank you,

Very truly yours,

A handwritten signature in black ink, which appears to read "R. M. Fells". The signature is written in a cursive style and is positioned above a horizontal line.

Robert M. Fells
External Chief Operating Officer
and General Counsel

STONEMOR

STONEMOR PARTNERS L.P.

January 3, 2006

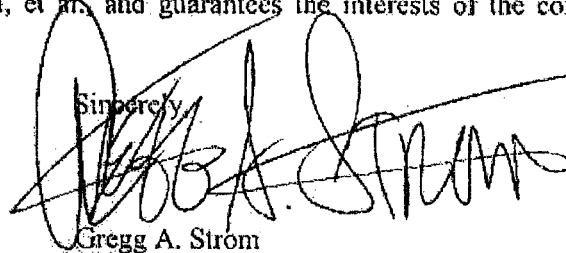
Board of Directors
Pennsylvania Cemetery Funeral Association
100 S. 21st Street
Harrisburg, PA 17104

Re: Suggested Draft Regulations Concerning the Activities of Employees and Agents
of Licensed Funeral Directors Involved in Pre-need Arrangements

Dear Directors:

It is my pleasure to submit this letter of endorsement after having reviewed the *Draft - Pre-need Activities by Employees & Agents of Licensed Funeral Directors*. This draft, as proposed by the Pennsylvania Cemetery Funeral Association (PCFA), deserves due consideration and has the total support of StoneMör Partners L.P., owners and operators of 50 cemeteries and 7 funeral homes in the Commonwealth. This draft by the PCFA follows the intent of the Federal Court ruling in the Walker, et al. v. Flitton, et al., and guarantees the interests of the consumer in Pennsylvania.

Sincerely,



Gregg A. Strom

Sr. Vice President - Business Development

GAS/cpk



January 3, 2006

Ernie Heffner, President
Pennsylvania Cemetery and Funeral Association
c/o Heffner Funeral Homes & Crematory
1551 Kenneth Road
York, PA 17404

Dear Mr. Heffner:

Thank you for the opportunity to comment on PCFA's Proposed Preneed Regulations. As a thirteen-year-old independent preneed agency serving more than 5700 customers in 2005 through our affiliated agents and funeral homes in Pennsylvania, I feel well qualified to speak on the matter. From that vantage point, I would like to place my full support behind the proposed regulations. While not infringing upon the rights of those who embrace the dissemination of true and accurate information, this draft simply and concisely offers protection to the consumer and holds the Funeral Director responsible for the actions of their agents.

Good luck with the proposal, if I can be of any assistance please do not hesitate to call.

Sincerely,

Robert S. Rae
President
Golden Considerations, Inc.

Golden Considerations

Phone 888-574-7020

615 Green Valley Road • York, PA 17403

Fax 717-741-4540



HEFFNER
Funeral Chapels & Crematory

PHONE 717-767-1551
Fax 717-764-9919
Toll Free 888-767-1551
C. Fredenex Kotler, Supervisor
Ernie Heffner, President
John Katora, Vice-President
Scott Miklowec, CPA, Controller

**PENNSYLVANIA
AFFILIATES**

RED LION
Olevaler & Heffner

YORK
Everhart-Jackson-Heffner

LEWISBERRY
Beaver Ulrich

POTTSVILLE
Schlitzer-Allen-Pugh

MANSFIELD
Scureman

TROY
Vickery

LOCK HAVEN
Holt Chapel

RENOVO
Maxwell

WILLIAMSPORT
Allen & Redmond

WILKES-BARRE
Kniffen O'Malley

AVOCA
Kniffen O'Malley

MILTON
Ranck

ADVANCE PLANNING
Preneed Associates, Inc.

**NEW YORK STATE
AFFILIATE**

WELLSBURG
Roberts

January 3rd, 2006

Board of Directors
Pennsylvania Cemetery Funeral Association
100 South 21st Street,
Harrisburg, PA 17104

To Whom It May Concern:

I was one of the eleven registered participants who provided testimony at the December 12th, 2005 hearing in Harrisburg conducted by the State Board of Funeral Directors regarding the Funeral Board's "Exposure Draft Pre-Need Activities by Unlicensed Employees."

Having reviewed the *Draft - Pre-need Activities by Employees & Agents of Licensed Funeral Directors* as proposed by the Pennsylvania Cemetery Funeral Association (PCFA), I am please to provide this letter confirming my full support for the proposed language as presented.

It is my opinion that the draft presented by the Pennsylvania Cemetery Funeral Association is in keeping with the spirit of the Federal Court ruling in *Walker v. Flitton* while protecting the interests of consumers in the Commonwealth.

Sincerely,

Ernie Heffner

1551 Kenneth Rd., York, PA 17404



ASSURANT
Preneed

PO Box 2730
Rapid City, SD 57709-2730
T 800.352.5173

www.assurant.com

January 5, 2006

Ernie Heffner
President
Pennsylvania Cemetery Funeral Association
c/o Heffner Funeral Homes
1551 Kenneth Road
York, PA 17404

Re: Draft Regulations concerning the Activities of Employees
and Agents of Licensed Funeral Directors involved in
Preneed Arrangements Suggested by the Pennsylvania
Cemetery Funeral Association (PCFA) ("Draft Regulation")

Dear Mr. Heffner:

This letter is in reference to the PCFA "Draft Preneed Activities by Employees and Agents of Licensed Funeral Directors" under Annex A, Title 39, Professional and Occupational Affairs, Chapter 13; State board of Funeral Directors – General Provisions.

We have been given the opportunity to review the draft regulations and we believe they represent a responsible and fair method of disseminating needed information to the Pennsylvania consumers in order to help them prearrange their funerals.

We appreciate all of the efforts you and your staff, along with others from the death care, trust and insurance industries, have made to prepare this comprehensive draft.

This letter is sent on behalf of Assurant Preneed. Assurant Preneed is a major preneed insurance and annuity underwriter in the U.S. and Canada. Assurant Preneed includes American Memorial Life Insurance Company (a South Dakota domestic), the preneed operations of Union Security Insurance Company (an Iowa domestic), and United Family Life Insurance Company (a Georgia domestic).

Page 2

This letter confirms that the proposed draft regulation has the full support of Assurant Preneed.

Thank you for allowing us the opportunity to comment.

Very truly yours,

Matthew F. McGuire
Chief Legal Officer
Assurant Preneed
Tel: 605-719-0100
Toll Free: 800-352-9281
Fax: 605-719-0853
Email: matt.mcguire@assurant.com

MFM/cj

NALC
NATIONAL ALLIANCE OF LIFE COMPANIES

An association of Life and Health Insurance Companies

P.O. BOX 607906, Chicago, IL 60660 -- 7229 N. Bell, Unit 2, Chicago, IL 60645
Telephone (773) 274-9050 -- Fax (773) 274-9063

January 5, 2006

Board of Directors
Pennsylvania Cemetery Funeral Association
100 South 21st Street
Harrisburg PA 17104

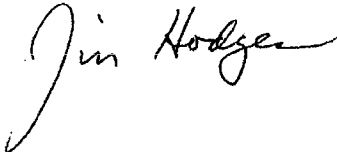
To Whom It May Concern:

I was one of the registered participants who provided testimony at the December 12, 2005, hearing in Harrisburg conducted by the State Board of Funeral Directors regarding the Funeral Board's "Exposure Draft Pre-Need Activities by Unlicensed Employees."

Having reviewed the *Draft – Pre-need Activities by Employees & Agents of Licensed Funeral Directors* as proposed by the Pennsylvania Cemetery Funeral Association (PCFA), I am pleased to provide this letter confirming my full support for the proposed language as presented.

It is my opinion that the draft presented by the Pennsylvania Cemetery Funeral Association is in keeping with the spirit of the Federal Court ruling in *Walker v. Flitton* while protecting the interests of consumers in the Commonwealth.

Sincerely,

A handwritten signature in cursive script that reads "Jim Hodges".

James H. Hodges