

EUGENE A. DePASQUALE, MEMBER

2639

111A EAST WING
P.O. BOX 202095
HARRISBURG, PENNSYLVANIA 17120-2095
(717) 787-7514
FAX: (717) 780-4765

ONE MARKETWAY WEST
SUITE 12A
YORK, PENNSYLVANIA 17401
(717) 848-9595
FAX: (717) 848-1871

WEBSITE: WWW.PAHOUSE.COM/DEPASQUALE



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

APPROPRIATIONS
AGRICULTURE AND RURAL AFFAIRS
CONSUMER AFFAIRS
ENVIRONMENTAL RESOURCES & ENERGY
URBAN AFFAIRS
SUBCOMMITTEE CHAIR, 3RD CLASS
CITIES & COUNTIES

CAUCUSES

ALTERNATIVE ENERGY
ALZHEIMER'S
AUTISM
BIPARTISAN REFORM
COMMUNITY COLLEGE
LIFE SCIENCES & BIOTECHNOLOGY
SOUTHEAST DEMOCRATIC

November 16 2009

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

RE: State Board of Funeral Directors Regulation 16A-4816 (IRRC # 2639)

Dear Chairman Coccodrilli:

Once again I am writing to express my opposition to regulations promulgated by the State Board of Funeral Directors, this time regarding a prohibition on activities of unlicensed employees relating to pre-need sales. I attended the IRRC meeting on October 22, 2009 relating to "revocability" of pre-need contracts (16A-4815) and was pleased the Commission found those regulations did not meet the Commission's standards. I hope that you will reach a similar conclusion with these regulations.

My concern in both of these instances stems from the fact that there has been NO evidence presented by the State Board of Funeral Directors that consumers are being harmed, either by the provision of pre-need sales by unlicensed employees or agents of a funeral director, or in the regulations requiring that all pre-need contracts be revocable.

The Funeral Board has made as narrow an interpretation as possible of the Federal District Court's ruling in Walker v. Flitton and has been very selective in how they have chosen to interpret Judge Jones' opinion. They have developed an incredibly restrictive, anti-competitive and anti-consumer framework that would allow ONLY licensed funeral directors to make pre-need arrangements. In the end I think prices will go up, consumers will lose and one segment of the funeral industry, if successful in this endeavor, will be able to continue to use the threat of action by the Funeral Board as a cudgel to restrict and discourage competition.

RECEIVED
NOV 16 AM 11:22
INDEPENDENT REGULATORY
REVIEW COMMISSION

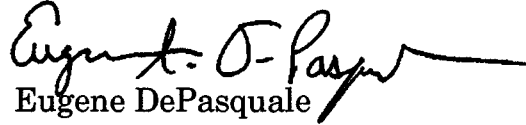
Page 2
IRRC

Arthur Coccodrilli, Chairman

For these reasons I encourage IRRC's commissioners to disapprove these regulations as well.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene DePasquale", with a long horizontal flourish extending to the right.

Eugene DePasquale
State Representative
95th Legislative District