

TIMOTHY J. SOLOBAY, MEMBER  
48TH LEGISLATIVE DISTRICT

#2639



House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

November 18, 2009

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**CAPITOL OFFICE:**  
G-14 IRVIS OFFICE BUILDING  
P.O. BOX 202048  
HARRISBURG, PENNSYLVANIA 17120-2048  
PHONE: (717) 787-1188 • FAX: (717) 705-1887  
E-MAIL: TSOLOBAY@PAHOUSE.NET  
WEB SITE: WWW.PAHOUSE.NET/SOLOBAY

**CONSTITUENT SERVICE OFFICES:**  
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60 SOUTH MAIN STREET, SUITE 207  
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Arthur Coccodrilli, Chairman  
IRRC  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Chairman Coccodrilli:

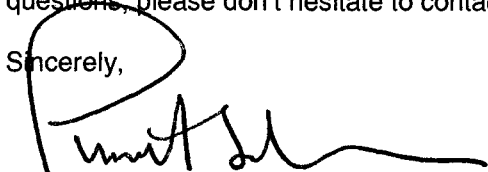
I am writing for your support for Regulation 16A-4816 which has been proposed by the PA State Board of Funeral Directors and is currently being reviewed by the Independent Regulatory Review Commission (IRRC).

The State Board of Funeral Directors, over a period of four years, held public meetings seeking input from all interested parties prior to promulgating this regulation. 16A-4816 is a regulation proposed by the State Board of Funeral Directors specifically to address the concerns raised in the federal court case, Walker v. Fliiton (2005). At the court's suggestions, the regulation helps to define what activities by unlicensed employees are permissible in funeral homes. The federal court case of Walker<sup>1</sup> DID NOT overrule Pennsylvania statute or case law, which provides that only a licensed funeral director can sell or offer to sell preneed services and merchandise incidental thereto.

Pennsylvania state law has already been tested on the issue of unlicensed activity. It was upheld in the appellate courts that only a licensed funeral director can sell, or offer to sell preneed funeral services and merchandise incidental thereto as well as cremation services.<sup>2</sup>

Your consideration and support of this regulation would be greatly appreciated and if you have any questions, please don't hesitate to contact me.

Sincerely,



Timothy J. Solobay  
State Representative  
48<sup>th</sup> Legislative District

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 REVIEW COMMISSION

<sup>1</sup> Walker v. Fliiton 364 F Supp. 2d 503 (M>D> PA) 2005  
<sup>2</sup> Ferguson v. State Board of Funeral Directors, 768 A.2d 393 (Pa. Cmwlth. 2001) *appeal denied* 782 A.2d 549 (2001); and Cornerstone Family Services v. BPOA, 802 A2d 37 (Pa. Cmwlth 2002)