

# CounselTrust

COMPANY

#2639

January 5, 2006

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

AMERICAN REGULATORY  
FEDERAL COMMISSION

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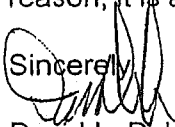
Re: Suggested Regulation – Pre-Need Arrangements

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