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SUBJECT: 16 CFR Part 435

To: Secretary of Federal Trade Commission
Room H-159
600 Pennsylvania, Ave., NW,
Washington, D.C. 20580

From: Frederick H. Kitchen
Funeral Director/Embalmer
P.O. Box 3063
Huntington, West Virginia 25702

Dear Secretary:

The opportunity to offer comments regarding the possible amendment to the "FTC FUNERAL RULE" was one I could not allow to pass me by. Being a licensed Funeral Director and Embalmer in the state of West Virginia and a licensed Embalmer in the state of Kentucky, I am of the opinion that the "FTC FUNERAL RULE" is a much needed regulating device. It offers protection not only to the consumer but to the funeral establishments and their director's.

However with any form of regulation there are items that either go to extremes, omitted or simply are regulated with too much leniency regarding a particular area. And with any form of rules or laws there are always room for amendments and improvements.

I would like to state that in general I feel the (16) item rules that currently govern the funeral industry do so fairly well with a few exceptions and minor needed adjustments. For the most part the Funeral Rule incorporates and portrays the funeral director as a more honest and ethical professional by abiding by certain guidelines instead of having no borders to work within.

Regarding the GPL (General Price List), I feel that the current time period that the General Price List is required within the rule to be presented to the consumer (family) is somewhat out of line. I feel the intent of the requirement is good, but failed in allowing any form of consideration to be given to the grieving family member(s). The "rule" currently states that the GPL be given to the family member at the beginning of any discussion regarding funeral arrangements.

The current form of presentation allows for two things to happen:

- 1.) Gives the family the impression that the only thing the funeral director is concerned with is the financial factors involved and also discredits the funeral director from the start of the discussion.

2.) It also lends a great deal of confusion to the family when they review a detailed price list of every charge that can be charged by the funeral establishment. When in fact after learning the types of services they desire you could simply present the GPL and direct them to charges regarding their type of services they desire.

I am of the opinion that the presentation of this Itemized Price Document should be delayed until the funeral director could ascertain the exact funeral service options the family is seeking. Upon gaining an understanding of what the family is seeking the GPL would then be offered and presented.

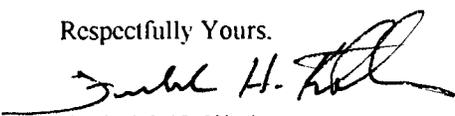
Another area of concern is the regulation of public suppliers of funeral merchandise and services whom are not currently required to fall into compliance with the FTC FUNERAL RULE. I am particularly speaking of the cemetery and now the casket store industry. These are the businesses and organizations that are "for profit" offering the sale of grave liners, burial vaults, caskets and cemetery lots directly to the public.

The casket stores and cemeteries should fall under the exact same rule as the funeral establishments regarding the FTC FUNERAL RULE and the General Price List. A broad category name maybe should be considered to cover all involved: "FTC FUNERAL SERVICES AND MERCHANDISE RULE"

I agree and feel vehemently that the definition of "Funeral Provider" should go into revision to mean: "*any person, partnership, association or corporation that sells or offers to sell funeral goods and services.*" This would allow the funeral rule to become applicable to anyone offering to sell funeral goods and services to the public. This would include but is not limited to: Cemeteries, Burial, Memorial, and Cremation Societies along with other funeral related dealers such as burial vaults, caskets and monuments. All the above offer either goods or services to the public that pertain to funeral services which should make them fall into the category of "FUNERAL PROVIDERS."

Again I appreciate the opportunity to contribute to the amendment of the FTC FUNERAL RULE.

Respectfully Yours,


Frederick H. Kitchen