

From: Battagler, Amy
Sent: Tue 8/4/2009 5:37 PM
To: Dunn, Becky
Subject: Comments to the board

Becky, I have attached some comments for the board. I will not make the meeting tomorrow but will have representation there on the 11th.

I wanted also to comment on the information emailed out yesterday.

In the attachment SB1 Implementation Group I:

Notice of Intent to Apply - it looks as if the need for the fee is required on this, although the rule states that a fee does not have to be submitted with it.

Also, in the rule, it doesn't state anywhere the time frame that the PN agents will have to pass an exam set by the board. It only addresses the notice of intent and the formal application.

Comment K2: Is there a reason that a corporation cannot represent themselves? I don't see the need for an attorney in every case when the corporation is a small one.

Comment K6: To remind you of the definition of a "Person" - any individual, partnership, corporation, cooperative, association, or other entity. It is any or all of these that can be licensed as a provider. The statute requires that a provider be authorized and registered to conduct business in the state. You would be requiring all licensed funeral directors to have to form their own business entity. Most funeral directors work for a business that is licensed or registered to do business in the state, and it is the business (funeral establishment) who handles the books and records, not the individual funeral director who acts on behalf of the provider. It is the responsibility of the provider, not the funeral director, to handle annual reporting, bookkeeping, files, etc. The funeral director may be employed by one establishment and then move to another but the contracts, books, reporting, etc. stays with the responsibility of the provider. Also, contracts may be signed by a funeral director and a purchaser, but the funeral director is acting on behalf of the provider and the contract is between the provider (registered business) and the purchaser.

Comment K17: The reference in Ch. 333 and 436 to exempt cemeteries does not quite exclude cemeteries clearly. A rule should be made to include cemetery merchandise as defined in ch. 214 as part of the exemption.

Comment K41: Are you going to require licensed insurance sellers to be registered agents to be able to sell trusts?

How much time are you going to give PN agents to take the exam?

Comment K48: 333.325.1 specifically states that a licensed funeral director does not have to register as a PN agent.

Comment K60: Requiring an attorney is extremely expensive for any corporation. Can a corporation choose someone to represent them without it being required that it is an attorney?

Thank you.

Amy Battagler
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