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On the receiving end of American bombs

## Funeral rules show need to reform S.C. regulations

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By Richard Eckstrom — Special to The Herald

Few things crush the heart as badly as losing a loved one. When it happens, all of our thoughts focus on the person we've lost. We see their smile, hear their laughter, and remember their wonderful qualities that made them so dear to us.

We can be so consumed with such a deep loss that the everyday tasks of life don't seem to really matter.

Unfortunately, during times like these our decision making and judgment can be clouded by our loss, especially when it comes to weighing spending decisions for how we would like our lost loved one to be honored.

This, in turn, can make us vulnerable to any funeral service providers who would stoop to unscrupulous, aggressive means to boost their profits against the best interests of surviving family members struggling with deep grief.

This happens often, according to the Columbia-based Funeral Consumers Alliance of South Carolina, through deceptive marketing practices and, in some cases, outright falsehoods communicated to survivors making funeral arrangements. Thankfully there are many funeral service providers who conduct themselves with compassion.

The Funeral Consumers Alliance is a national nonprofit organization dedicated to "protecting a consumer's right to choose a meaningful, dignified, affordable funeral." The alliance has affiliates in all 50 states.

One way consumers can avoid falling victim to aggressive funeral marketing practices is by being aware of the Federal Trade Commission's "Funeral Rule," which requires funeral homes to provide price lists for common funeral and burial costs and disclosures of the range of options available for preparation and burial.

Now, I'm all for businesses making an honest profit. And while it might be unpleasant to think about, this includes the funeral industry, too.

But at the same time, I don't think it's going too far to say it's reprehensible to exploit people in their time of deep grief by loading up funeral costs with unnecessary expenses.

I learned about some questionable industry practices in reading a guest column by Dr. Gere Fulton, board president of the Funeral Consumers Alliance of South Carolina. In his column, Dr. Fulton tells of a Midlands entrepreneur, Mike White, building and selling very low-cost wooden caskets used in environmentally friendly burials.

"This caught the attention of the state Board of Funeral Service – a regulatory agency comprised of nine funeral directors and two political appointees – who decided he needed a 'valid Retail Sales Outlet permit,' which he might receive by first paying a non-refundable application fee of \$400," Fulton wrote.

"If awarded, it would require an inspection of his 'outlet,' which must at all times have on display no fewer than six caskets."

Mr. White doesn't have a retail outlet. He offers his handmade caskets as a side business.

The Board of Funeral Service is among more than 40 professional and occupational licensing boards within the S.C. Department of Labor, Licensing and Regulation. These boards generate millions of dollars in revenue for the state every year through licensing fees, which invariably get passed to consumers.

But Mr. White's trouble from the state wasn't limited to the Board of Funeral Service.

Acting on a complaint from a funeral home claiming Mr. White was selling pre-need funeral contracts without a license, the S.C. Department of Consumer Affairs notified him that he could "resolve these matters via a non-hearing resolution" by paying a \$750 administrative fine to the agency.

This kind of anti-competitive protectionism happens in many other industries, too, from cosmetology to midwifery, and it's wrong.

Gov. Nikki Haley has formed a task force to review state regulations on business with a goal of eliminating rules that are unnecessary or overly burdensome. The task force is soliciting comments and holding public hearings across the state later this month.

If you have the opportunity to attend one of these meetings, please speak out to encourage the task force to recommend meaningful reforms to the state's professional and occupational licensing system to make South Carolina's business climate freer, fairer, and more citizen-friendly.

We would all benefit daily if it is.

Richard Eckstrom, a CPA, is the comptroller general of South Carolina and commander of the S.C. State Guard.

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