



# Shopping for Funeral Services

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## An FTC Workshop • September 7, 2023



### SPEAKER BIOS

#### Opening Remarks

**Rebecca Kelly Slaughter** was sworn in as a Federal Trade Commissioner on May 2, 2018. Commissioner Slaughter has extensive experience in competition, privacy, and consumer protection. She builds consensus for a progressive vision, and staunchly advocates for our nation's consumers and workers. Commissioner Slaughter believes that the FTC's dual missions of promoting competition and protecting consumers are interconnected and complementary, and she is mindful that enforcement or rulemaking in one arena can have far-reaching implications for the other. A proponent of greater resources, transparency, and comprehensive use of the FTC's authorities, Commissioner Slaughter is outspoken about the growing threats to competition and the broad abuse of consumers' data. Targeted merger retrospectives, corrective enforcement, and expansion of the Commission's rulemaking authorities are among the approaches that she has championed during her time at the FTC. Along with advocating for consumers, particularly those traditionally underrepresented and marginalized, Commissioner Slaughter strongly supports working families and work-life balance.

#### Panel 1: Online Disclosures: Is it Needed? The Pros/Cons

**Rebecca Plett** is an attorney in the Division of Marketing Practices of the Federal Trade Commission's Bureau of Consumer Protection. Her primary duties involve enforcement and policy matters, including serving as a co-coordinator of the FTC's Funeral Rule program. Before coming to the FTC, Rebecca worked at the Consumer Financial Protection Bureau where she focused on consumer financial protection regulations and compliance with those regulations. She received her undergraduate degree from East Carolina University and her Juris Doctor from the University of North Carolina at Chapel Hill.

**Lacyn Barton** is Manager of Funeral Revenue and Merchandising for Service Corporation International. SCI's more than 1,300 funeral service locations care for over 300,000 families per year. Lacyn has worked over 20 years as a licensed funeral director and embalmer in many areas of the country and she leverages that experience in her current role supporting the pricing and merchandising needs of nearly 400 funeral homes in North America and Puerto Rico. She serves on the Virginia Board of Funeral Directors and Embalmers and on the Board of Directors for the International Conference of Funeral Service Examining Boards as District 2 Director representing Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

## Shopping for Funeral Services

**Dr. Hari P. Close, II** is the Chairman of the Board for the National Funeral Directors & Morticians Association, where he previously was the longest-serving President. He is a certified funeral service practitioner and owns and operates his own funeral home in Baltimore, Maryland. Dr. Close has served in a variety of positions in the death care industry, including as the President of the Maryland State Board of Morticians and Funeral Directors. Dr. Close has served as a Professor of Mortuary Science and is deeply invested in the education and professional growth of young professionals in the death care industry.

**Chris Farmer** is General Counsel for the National Funeral Directors Association, the world's leading and largest funeral service association, serving more than 20,000 individual members who represent nearly 11,000 funeral homes in the United States and abroad, and founder of The Farmer Firm in Houston, Texas. He has been serving funeral services for 20 years. Mr. Farmer has been in-house with publicly traded funeral service companies and in private practice representing funeral homes, cemeteries, and crematories of all sizes across North America. Mr. Farmer was General Counsel for the Texas Funeral Directors Association and General Counsel and on the Board of Directors for the Cremation Association of North America for over 7 years each. He provides counsel on business matters, regulatory matters, buying and selling, litigation, employment law, and any other legal matters the funeral profession faces.

**Poul Lemasters** has a unique background as a licensed funeral director, embalmer, and attorney with over 30 years of experience specifically tied to deathcare. He works with several deathcare associations, including serving as General Counsel to the International Cemetery, Cremation and Funeral Association (ICCFA) which represents over 10,000 locations and more than 50,000 professionals in the deathcare profession worldwide. As part of his role with ICCFA, Poul regularly reviews general price lists for compliance. Poul operates a private practice where he advises deathcare professionals on legal, regulatory, and operational issues. He is regarded as an expert on deathcare issues and is a keynote speaker and educator across North America on a range of topics including deathcare liability and FTC Funeral Rule compliance. He is licensed in Virginia, West Virginia, Kentucky, and Ohio, where he is based.

**Sarah Pojanowski** is General Counsel of Selected Independent Funeral Homes, an association of independent funeral homes of the highest character, professional ability and reputation. Sarah is an expert in all aspects of law relating to the death care profession, with nearly twenty years' experience in the industry. Sarah is also an expert in small business law, as Selected funeral homes are primarily small, family-owned and -operated businesses (like over 80% of funeral homes in the United States today). Prior to joining Selected, Sarah was an associate in the Washington, D.C. offices of Paul Hastings and Heller Ehrman. She obtained her Juris Doctor from Harvard Law School and is a former adjunct Assistant Professor at Notre Dame Law School.

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**Erin Witte** is the Director of Consumer Protection for the Consumer Federation of America. Erin leads CFA's advocacy efforts in consumer protection, including advocating for consumer protections in Congress and at regulatory agencies, communicating policy positions to the press and the public, organizing meetings with stakeholders on consumer protection issues, and providing educational tools for consumers to help them navigate marketplace challenges. Erin has over a decade of experience fighting for consumers as a consumer protection attorney. Prior to joining the CFA, Erin was an Assistant Attorney General for the Commonwealth of Virginia, where she litigated consumer protection cases in Virginia state and federal courts. Erin handled matters involving various abusive, predatory and fraudulent business practices, and was able to provide relief to tens of thousands of consumers. Erin also worked in private practice at Surovell Isaacs & Levy in Fairfax, VA, where she represented individual consumer clients against used car dealers, abusive debt collectors, insurance companies, predatory lenders, subprime auto lenders, and medical providers.

## Panel 2: Online Disclosures: Practical Considerations

**Melissa Dickey** is an attorney in the Division of Marketing Practices of the Federal Trade Commission's Bureau of Consumer Protection where she works on a variety of enforcement and policy matters, including serving as a co-coordinator of the FTC's Funeral Rule program. Prior to joining the FTC in 2015, Ms. Dickey worked at the U.S. Department of Justice and in private practice. She received her undergraduate degree from the University of Illinois at Champaign-Urbana and her Juris Doctor from Northwestern University.

**Effie Anolik** is the co-founder and CEO of Afterword, a technology startup that helps funeral homes support families in making informed decisions in-person and online. Effie's interest in bereavement started after her dad died in August 2018 and she planned her first funeral. She was surprised by how different the process was from everything else she had done. Prior to starting Afterword, Effie worked at Shopify, an e-commerce platform used by millions of businesses. She has been featured in Fortune, TechCrunch, Business Insider, and Bloomberg.

**Jim Bates** is President of the Board of Directors for the Funeral Consumers Alliance of North Texas, serving as a volunteer with FCA for over 30 years. He has served primarily as legislative liaison at the Texas Capitol, as well as consumer help for deathcare issues in the North Texas area. He has served on the national board for the Funeral Consumers Alliance and Chair of the National Home Funeral Alliance Ethics Committee. He is a trained and experienced home funeral guide, and a family cemetery survey and legal dedication expert. Mr. Bates is a retired helicopter/tilt-rotor manufacturing engineer, specializing in computer aided technology, web development and database systems. He holds undergraduate and graduate degrees from two public universities in Texas. Both of his grandfathers were horse-mounted cowboys, who gave to their communities with the extra time available when they switched to pickup trucks.

## Shopping for Funeral Services

**Layng Guerriero** is a 25-year veteran of the funeral service industry who is currently the President of AskTheDirector.com, a marketing agency, and co-owner of FuneralKinetics.com, a funeral consumer and market data analytics firm. He has held various positions in the industry, including Vice-President of Continental Computers, President of Davidson Software, Director of Business Development, and Director of Marketing at Service Corporation International. Mr. Guerriero regularly works with many of the top funeral service operators in North America.

**Barbara Kemmis, CAE**, has served as Executive Director of the Cremation Association of North America (CANA) since 2011. Founded in 1913, the Cremation Association of North America (CANA) is an international organization of over 3,500 members, composed of funeral homes, cemeteries, crematories, industry suppliers, and consultants. CANA members believe that cremation is preparation for memorialization. CANA provides competency-based training on crematory operations and services and conducts internationally recognized research on cremation trends and consumer preferences. Barbara's volunteer activities include serving as President of the International Cremation Federation, board member of the National Museum of Funeral History, and committee member for the American Board of Funeral Service Education and International Conference of Funeral Service Examining Boards. Barbara earned a master's degree in library science from Dominican University, a graduate certificate in nonprofit management from North Park University and a B.A. from Earlham College.

**Isabel Knight** is the President of the National Home Funeral Alliance, an organization that educates families and communities to care for their own loved ones after death. She is also a home funeral guide, death doula, and a volunteer for the Funeral Consumers Alliance of Pennsylvania. Outside of volunteer work, she is a human-centered designer and founder of The Death Designer, a company which helps end of life businesses and nonprofits with web design, service design, strategic visioning, and online courses for their members and clients.

## Post Lunch Introduction

**Dotan Weinman** is an Assistant Director in the FTC's Division of Marketing Practices, Bureau of Consumer Protection. He has managed investigations, litigations, rulemaking, policy issues, and outreach and education efforts targeting deceptive and unfair practices in diverse areas, including payment processing, cryptocurrency, investments and investment training, healthcare, government services and grants, debt collection, credit repair and monitoring services, real estate, business coaching, business opportunities, multilevel marketing, nutraceuticals, and telecommunication services, among others. Before becoming an Assistant Director, Dotan was Counsel to the Director of the Bureau of Consumer Protection and Staff Attorney in the Division of Marketing Practices. Prior to joining the FTC, Dotan was a litigator in private practice in New York, where he focused on complex commercial litigation and antitrust matters.

### Panel 3: Basic Service Fee

**Rebecca Plett** is an attorney in the Division of Marketing Practices of the Federal Trade Commission's Bureau of Consumer Protection. Her primary duties involve enforcement and policy matters, including serving as a co-coordinator of the FTC's Funeral Rule program. Before coming to the FTC, Rebecca worked at the Consumer Financial Protection Bureau where she focused on consumer financial protection regulations and compliance with those regulations. She received her undergraduate degree from East Carolina University and her Juris Doctor from the University of North Carolina at Chapel Hill.

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**Erin Witte** is the Director of Consumer Protection for the Consumer Federation of America. Erin leads CFA's advocacy efforts in consumer protection, including advocating for consumer protections in Congress and at regulatory agencies, communicating policy positions to the press and the public, organizing meetings with stakeholders on consumer protection issues, and providing educational tools for consumers to help them navigate marketplace challenges. Erin has over a decade of experience fighting for consumers as a consumer protection attorney. Prior to joining the CFA, Erin was an Assistant Attorney General for the Commonwealth of Virginia, where she litigated consumer protection cases in Virginia state and federal courts. Erin handled matters involving various abusive, predatory and fraudulent business practices, and was able to provide relief to tens of thousands of consumers. Erin also worked in private practice at Surovell Isaacs & Levy in Fairfax, VA, where she represented individual consumer clients against used car dealers, abusive debt collectors, insurance companies, predatory lenders, subprime auto lenders, and medical providers.

### Panel 4: General Price List Updates: Fee Disclosures and Mandatory Embalming Disclosures

**Melissa Dickey** is an attorney in the Division of Marketing Practices of the Federal Trade Commission's Bureau of Consumer Protection where she works on a variety of enforcement and policy matters, including serving as a co-coordinator of the FTC's Funeral Rule program. Prior to joining the FTC in 2015, Ms. Dickey worked at the U.S. Department of Justice and in private practice. She received her undergraduate degree from the University of Illinois at Champaign-Urbana and her Juris Doctor from Northwestern University.

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## Shopping for Funeral Services

**Wendy Russell Wiener, Esq.** is the Managing Member of WRW Legal, PLLC. WRW Legal is a boutique law firm exclusively serving the deathcare industry and profession, representing cemeteries, funeral homes, crematories, the owners and operators of those businesses and the professionals who are licensed to work in such facilities. She leads a team of four lawyers and other professionals and has been representing the deathcare industry and profession since she was licensed to practice law in Florida in 1993. Her firm represents 1000s of deathcare licensees across the country, in Florida, Indiana and Texas as counsel, and as a regulatory compliance consultant in all other states. Wendy is Regulatory Counsel for the Florida Cemetery, Cremation and Funeral Association and on the faculty for the Cremation Association of North America teaching its Crematory Operator Certification Program.

**Erin Witte** is the Director of Consumer Protection for the Consumer Federation of America. Erin leads CFA's advocacy efforts in consumer protection, including advocating for consumer protections in Congress and at regulatory agencies, communicating policy positions to the press and the public, organizing meetings with stakeholders on consumer protection issues, and providing educational tools for consumers to help them navigate marketplace challenges. Erin has over a decade of experience fighting for consumers as a consumer protection attorney. Prior to joining the CFA, Erin was an Assistant Attorney General for the Commonwealth of Virginia, where she litigated consumer protection cases in Virginia state and federal courts. Erin handled matters involving various abusive, predatory and fraudulent business practices, and was able to provide relief to tens of thousands of consumers. Erin also worked in private practice at Surovell Isaacs & Levy in Fairfax, VA, where she represented individual consumer clients against used car dealers, abusive debt collectors, insurance companies, predatory lenders, subprime auto lenders, and medical providers.

## Panel 5: Alkaline Hydrolysis, Natural Organic Reduction, and Other New Trends in the Funeral Industry

**Sammi Nachtigal** is an attorney in the East Central Region of the Federal Trade Commission's Bureau of Consumer Protection where she works on a variety of consumer protection matters and is the East Central Region's Funeral Rule coordinator. Prior to joining the FTC in 2022, Ms. Nachtigal practiced criminal defense. Ms. Nachtigal received her undergraduate degree and her Juris Doctor from the University of Minnesota and a Master of Laws in food and agricultural law from the University of Arkansas School of Law.

**Sarah Chavez** is the Executive Director of funeral reform nonprofit The Order of the Good Death whose mission is to create a more equitable, eco-friendly, and meaningful end-of-life experience. For over a decade the Order has worked to inform the public about their rights and choices surrounding death by creating a wide variety of educational content and practical resources that enable people to make accurate and informed decisions about funerals. The organization has fostered mentorship through their Good Death Fellowship offering grants to innovative leaders and establishing the Henrietta Duterte Endowment to support Black women pursuing mortuary science studies. The Order's impact extends to legislative efforts, with members playing crucial roles in the creation of death care bills, providing testimony to both the Senate and Congress, and expanding public awareness and support for laws that expand access to a good death. What began as a small collective has grown into the global Death Positive Movement, uniting diverse minds, including funeral professionals, activists, and the public to challenge stigmas, foster open dialogue, and reimagine how our society approaches death.

## Shopping for Funeral Services

**Tanya Marsh** is a law professor at Wake Forest University School of Law. She has written several books and numerous articles on the laws and regulation of the funeral industry and the disposition of human remains. Currently, she is writing about the history of the regulation of burial and cremation in the United States and the challenges to that regulatory framework created by new emerging technologies in death care, specifically natural organic reduction and alkaline hydrolysis. Professor Marsh is the creator of *Death, Et Seq.* a podcast discussing the relationship between the living and the dead. Professor Marsh holds a Bachelor of Arts degree from Indiana University and Juris Doctor from Harvard Law School.

**Katrina Spade** developed the concept of human composting while earning her Master of Architecture from University of Massachusetts Amherst in 2013. She went on to invent a system that transforms the dead into soil and founded Recompose, a company based in Seattle, Washington, which offers the service to the public. Recompose led the successful legalization of the process in Washington State in 2019 and began providing the service of human composting in 2020. Human composting is now also legal in Oregon, Colorado, Vermont, California, New York, and Nevada. Katrina and her team have been featured in *Fast Company*, NPR, BBC, and the *New York Times*. Katrina is an Echoing Green Fellow, an Ashoka fellow, and a Harvard Kennedy School Visiting Social Innovator. Her TED Talk has been viewed over 1 million times.

**Beverly Tryk** is the Communications Manager for People's Memorial Association. Beverly founded People's Memorial when she was preparing for her Peace Corps service and had to create her own end of life plan. That process gave her a deep appreciation for the value of open conversation about death and dying. Through her volunteer work, she has become very at-home in uncomfortable conversations and is happy to help families find the answers to difficult questions. People's Memorial Association has been the thought-leader for funeral choice, education, and advocacy in Washington State for almost 85 years.

## Closing Remarks

**Lois C. Greisman** heads the Division of Marketing Practices in the FTC's Bureau of Consumer Protection. Under Ms. Greisman's management, Marketing Practices leads the FTC's law enforcement initiatives tackling telemarketing fraud (including Do Not Call/Robocall enforcement), fraudulent business and investment opportunity schemes (including multilevel marketing), mail fraud (including sweepstakes and lotteries), illegal spam, and Internet frauds (including technical support scams). Ms. Greisman also directs the FTC's work to curb fraud in connection with different payment systems, as well as its enforcement of the Funeral Rule and Magnuson-Moss Warranty Act. Before joining Marketing Practices, Ms. Greisman headed the Division of Planning and Information, where she managed the FTC's Identity Theft Program, the Consumer Response Center, and also supervised implementation of the National Do Not Call Registry. Previously, Ms. Greisman served as Chief of Staff to FTC Chairman Timothy J. Muris. She also served as Attorney Advisor to Chairman Robert Pitofsky and Chairman Janet D. Steiger. Ms. Greisman worked in private practice in Washington, D.C. before joining the FTC. Ms. Greisman received her bachelor's degree from Brown University, and her law degree from George Washington University.