

STALTER LEGAL SERVICES, LLC

WILLIAM R. STALTER
wastal@swbell.net

5350 W. 94th Terrace, SUITE 202
PRAIRIE VILLAGE, KANSAS 66207

TELEPHONE (913) 378-9920
FAX (913) 378-9924

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Sandy Sebastian
Missouri State Board of Embalmers and Funeral Directors
3605 Missouri Boulevard
PO Box 423
Jefferson City, MO 65102-0423

Re: Executive Order No. 17-03
20 CSR 2120-2.070(9)

Dear Sandy:

Pursuant to Executive Order No. 17-03, I am offering the following comments regarding 20 CSR 2120-2.070(9). Specifically, my comments regard the first sentence of that paragraph:

(9) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name of a person or entity authorized to conduct business in Missouri and may include one (1) "doing business as" name.

I appreciate that R.S.Mo. § 417.200 requires licensees to file a fictitious name registration with the Secretary of State when doing business under a name other than their true name. Several of my clients operate multiple funeral establishments and an active preneed program. The clients would like to use one DBA when marketing for at need services and a different DBA when marketing preneed arrangements. As you are aware, the State Board interprets CSR 2120-2.070(9) to limit a Chapter 333 licensee to the use of a single DBA. When I have raised this issue before the State Board during public sessions, no explanation was offered as to how or why a single DBA is essential to health, safety, or welfare of consumers.

The regulation is unduly burdensome, and should be revised to eliminate any restrictions on the number of DBAs. It may be appropriate to require that each such DBA be registered with the Secretary of State pursuant to R.S.Mo. § 417.200.

Thank you for the State Board's consideration of this issue.

Sincerely,

William Stalter