

Tuesday – February 22, 2005

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. Vice-President, Robert L. Shank called the meeting to order at 1:07 P.M. Other Board members present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones and Kurtis A. Tunnell. Also, present were: Anthony Siciliano, Assistant Attorney General; Frank J. Savage, Inspector; Charles H. Wisby, Inspector; Cameron R. Casper, Administrative Assistant; and Ann Cunningham, Executive Director. Greg Phelps and Julian Larson of the Funeral Consumers Alliance of Central Ohio observed the meeting.



On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the minutes of the discussion held on January 25-26. Ayes: 5. Nay: 0. Motion approved.



The Executive Director reported that Mr. Hadley monitored the examinations in January along with Mr. Casper, Mrs. Clark, and Mrs. Hadley. Mr. Hadley will be paid per diem and reimbursed allowable travel expenses.



The Board members were reminded to submit their 2004 financial disclosure forms before April 15, 2005. The Board pays the individual \$40.00 filing fee for a total of \$320.00 to the Ohio Ethics Commission.



Unfinished Business

On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the request to apply for registration as a funeral director by John P. Barfield. Mr. Barfield supplied the Board members with recommendations from three individuals in addition to his employer, a recommendation from a professional person with his community, and an explanation why the Board should approve his registration. Ayes: 6. Nays: 0. Motion approved.



New Business

There were no applications for crematory facility licenses



There were no applications for crematory facility **pending** receipt of the occupancy permit and final inspection by the Board.



There were no applications for a crematory facility license to the following **after** approval of the application, receipt of the occupancy permit, and the final inspection.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved the following applications for funeral home license. Ayes: 6. Nays: 0.

<u>Firm Title</u>	<u>Address</u>	<u>County</u>	<u>Inspection</u>
Johnson-Smith FH	Baltimore	Fairfield	10/19/04
Nunn-Coleman-Cambarare FH	Cleveland	Cuyahoga	
Oswald-Hoskins FH	Lebanon	Warren	03/29/04
Frank E Smith FH Inc	Lancaster	Fairfield	01/04/05
Rogers FH	Trotwood	Montgomery	10/21/04

Vale-Hoskins FH	Morrow	Warren	03/29/04
Woodyard Chapel	Bexley	Franklin	06/28/04



There were no applications for funeral home licenses **pending** receipt of the occupancy permit and final inspection by the Board.



There was no issuance of a funeral home license **after** approval of the application, receipt of the occupancy permit and the final inspection.



The following funeral homes submitted amendments to change the manager for the funeral home for the month of January 2005.

<u>License No.</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
43-00-0576	Roberts Funeral Home	Thomas E. Roberts	Hocking
43-00-2246	Reidy-Scanlan-Chambers FH	Jessica P. Mogard	Lorain
43-00-2509	Nurre-Mihovk-Rosenacker FH	Karen Rosenacker Mihovk	Hamilton
43-00-1812	Martin-MacLean-Altmeyer FH	Deborah L. Koffel	Columbiana
43-00-1832	Martin-MacLean-Altmeyer	Daniel N. MacLean	Columbiana



The following funeral homes submitted amendments to change the funeral director actually in charge of and ultimately responsible for the funeral home for the month of January 2005.

<u>Identification No</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
43-00-0576	Roberts Funeral Home	Thomas Earl Roberts	Hocking
43-00-1106	Toland-Herzig FH Inc	John R. Herzig	Tuscarawas
43-00-1105	Toland-Herzig FH Inc	John E. Delcoma	Tuscarawas

43-00-2246	Reidy-Scanlan-Chambers	Daniel D. Chambers	Lorain
43-00-1832	Martin-MacLean-Altmeier	Daniel N. MacLean	Columbiana



On a motion by Mr. Tunnell, seconded by Mr. Hadley the Board issued licenses to the following individual who met the licensure requirements for embalmer and/or funeral director. Ayes: 6. Nays: 0. Motion approved.

<u>First name</u>	<u>Last name</u>	<u>Embalmer License #</u>	<u>Funeral Director License #</u>	<u>Effective</u>
Dawn M.	White		9066	01/22/05



The following individuals qualified, and were issued registration numbers during the month of January 2005:

<u>First Name</u>	<u>Last Name</u>	<u>Embalmer Number</u>	<u>Funeral Director Number</u>	<u>Date Registered</u>
Brian J.	Sarver	E 0092 05	F 0132 05	01/05
Shelia F.	Gilbert		F 0133 05	01/05
Chad A.	McGreevey		F 0134 05	01/05
Jeremiah J.	Minehart		F 0135 05	01/05



The following individuals certified apprenticeships during the month of January 2005.

<u>First name/initial</u>	<u>Last name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Shelia F.	Gilbert	FD	McLin Funeral Home 2801 N Gettysburg Ave Dayton Ohio 45406
Brian J.	Sarver	EM/FD	Baker-Hazel & Snider FH 5555 Philadelphia Dr Dayton Ohio 45415



The Board office received and processed the following reports during the month of January 2005:

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	67	117
Quarterly Master Reports	11	19
Board Interviews	10	16

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The Board members reviewed various news articles.

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On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to allow Ulysses S. Grant to write the Funeral Service Arts examination in April 2005. Ayes: 6. Nays: 0. Motion approved.

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On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board designated Mr. Shank and Mrs. Cheney to represent the Board at the Ohio Funeral Directors Association Legislative Reception on March 15, 2005 in the Riffe Center in Columbus. Both Board members will be paid per diem and reimbursed for allowable travel expenses. Ms. Cunningham, Mr. Casper and Mr. Savage will also attend.

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### Correspondence

1. A letter from Gary L. Buckley requesting reinstatement. Secretary to inform Mr. Buckley of the procedures and fees for reinstatement.
2. A letter from William E. Jaehnig, President of CEJ Management Company requesting confirmation the proposed formation and operation of a membership organization [Preferred Funeral Choices] by CEJ in Ohio will not violate the Ohio laws. Assistant Attorney General to research the request.

3. A letter from Sharon S. Herlihy and Eric J. Tinsman concerning firm title. The Board accepted the change from "Herlihy-Tinsman-Moleno Funeral Home" to "Herlihy-Tinsman Funeral Home." Secretary to amend the Board's records and advise Ms. Herlihy and Mr. Tinsman that all signage and advertisements must reflect the new firm title.
4. A letter from Harriett Townsend notifying the Board that the A.L. Townsend-Jones Bros. Funeral Home, Inc. in Dayton closes effective March 1, 2005. Secretary to request the return of the funeral home display license and a clearly enumerated list of all preneed accounts.
5. A letter from Richard H. Jeffrey notifying the Board that the Frey-Groff Funeral Home in Sandusky closed effective December 31, 2004. Mr. Jeffrey returned the funeral home display license and indicated that all preneed accounts have been and continue to be handled out of the Perkins Avenue location.
6. A letter from Robert G. Girts inquiring about the future status of his embalmer and funeral director licenses after the revocation of both licenses in 1993. Secretary to inform Mr. Girts that Section 4717.05 (A)(2) of the Revised Code prohibits reinstatement at this time.

Section 4717.05(A)(2)

If the applicant has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community

control sanction, a post-release control sanction, parole, or treatment in connection with the offense.

7. A letter from Dalene Paull, Executive Director of the International Conference of Funeral Service Examining Boards, including the Conference's budget for consideration at the April convention.
8. A letter from Carter Neff, Counsel and Executive Director of the Funeral Directors' Association of Northwestern Ohio, Inc. inviting Inspector Wisby to speak to the association on March 21, 2005. Motion by Mr. Hadley, seconded by Mr. DeJohn, to approve the request and include in the presentation Mr. Casper and Assistant Attorney General Siciliano. Ayes: 6. Nays: 0. Motion approved.
9. A letter from C. Jeffrey Spence requesting a change of firm title. The Board accepted the change from "Miller Funeral Home" to "Spence Miller Funeral Home." Secretary to amended the Board's records and advise Mr. Spence that all advertisements and signage must reflect the new firm title.
10. A letter James E. Fox requesting reinstatement. Secretary to inform Mr. Fox of the procedures and fees for reinstatement.
11. A letter from Adam T. Byers requesting permission to write the April examination. On a motion by Mr. Hadley, seconded by Mr. Jones, the Board denied Mr. Byers request because he terminates his apprenticeship on April 27 the same day as the examination. Ayes: 6. Nays: 0. Motion approved.
12. A letter from Randy Williams requesting permission to start his Masters in Education Degree program while serving his apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved Mr. Williams request

provided class is no more than twenty-hours per week outside his apprenticeship.

Ayes: 6. Nays: 0. Motion approved.



#### Persons Before the Board

Owen McFall and Attorney Oscar Trivers appeared before the Board concerning the placement of a manager at the Cynthia Miller Funeral Home. After Ms. Miller's death, the funeral home continues to operate with Board permission, but must employ a funeral director as manager. Mr. McFall is not permitted to manage two funeral homes. The Board Members advised Mr. McFall to resolve the situation by the March meeting.

Reciprocal applicants James Matthew Hammer, Kentucky, William G. Nelson, Minnesota and Wisconsin, and Harry L. Thompson, Jr., Maryland appeared before the Board to answer questions about their applications for reciprocal licenses. On a motion by Mr. Hadley, seconded by Mrs. Cheney, the three applicants were approved to write the required examinations. Ayes: 6. Nays: 0. Motion approved.



#### Inspectors' Reports

From January 9, 2005 through February 5, 2005, Inspector Wisby drove 1,684 miles in the counties of Adams, Auglaize, Franklin, Hamilton, Lucas, Preble, and Wood. He inspected 5 crematory facilities, and 35 funeral homes, and found seven violation, conducted one investigation, and monitored no apprentices.

From January 9, 2005 through February 5, 2005, Inspector Savage reported that he drove 1,274 miles in the counties of Ashtabula, Cuyahoga, Lorain, Muskingum, Stark, Summit, and Tuscarawas. He inspected 3 crematory facilities, 33 funeral homes, and found one violation, conducted 46 investigations, and monitored no apprentices.

Mr. Casper presented a draft of the Board's complaint form to be sent upon request and available on the Board's website. The Board reviewed the form and approved it.

The Board also reviewed a monthly statement from the Fifth Third Bank for trust funds as required in the Robert Tate settlement.



On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board went into executive session pursuant to Section 121.22(G)(1) of the Revised Code, to consider complaints and possible disciplinary action against licensees, and Section 121.22(G)(3) of the Revised Code to conference with the Board's counsel to consider pending litigation. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tunnell, Aye.

The President declared the Board out of executive session.



On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board considered and closed nine (9) investigatory files. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to order Ronald McNabb to cease business operations at his current location, pursuant to inspection, the facility does not qualify to do business as a funeral home.. Therefore, Mr. McNabb is ordered to cease doing business. Roll Call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tunnell, Aye.



### Fiscal

The Board reviewed the revenue journal with a balance as of \$408,375.00 as of the end of January, the balance is a result of the biennial renewal, and voucher journal with 43 vouchers and encumbrances for January. Also, the Board reviewed a comparison chart of expenditures to date.

The Board reviewed a copy of a look-up view in the Bank One LOIS Service. The sample screen offered a front view of a renewal application and the tendered check. The Board will monitor this service, and utilize it when Bank One can show the back of the renewal application.

The Board discussed House Bill #66, Budget and Appropriation for Fiscal Years 2006-2007. The following is an excerpt from the Executive Summary, February 10, 2005

### **Consolidation of Regulatory Boards**

Ohio has 27 independent boards that set standards for licensure and registration of members of various professions and occupations. The boards then enforce these

standards through examination, inspection, investigation, and continuing education. The sizes of these agencies range from the State Board of Orthotics, Prosthetics, and Pedorthics, with one full time employee and an annual budget of approximately \$100,000, to the State Medical Board, with 77 full time employees and an annual budget of \$7.5 million. Fiscal year 2005 funding for the regulatory boards combined totals \$32 million. The agencies employ over 330 staff members and have 200 board members or commissioners.

The Executive Budget proposes to streamline the operations and improve the efficiencies of the regulatory boards by grouping them within umbrella agencies: the Department of Commerce, the Department of Health, and the Department of Public Safety. The appointed boards and commissions will continue to provide oversight of their professions, but the Departments of Commerce, Health, and Public Safety, as appropriate, will provide staffing and support services.

In addition, the directors of the Departments of Commerce, Health, and Public Safety, or their designees, will be appointed to serve on each of the boards and commissions consolidated within their agencies. The goal of this initiative is to ensure management accountability for all the regulatory boards and to realize management and budget efficiencies. The administration is committed to meeting this goal by maintaining an integrated, high quality, accountable, and efficient system of regulatory boards and commissions.

The Executive Budget includes funding for FY 2006 for each of the regulatory boards and commissions; however, no appropriations are included for FY 2007. The Executive Budget will also contain temporary law establishing a task force to implement the transfer. The task force will include representatives from the Departments of Commerce, Health, Public Safety, and Administrative Services, as well as OBM. The task force will be charged with preparing the necessary statutory changes and working with OBM to develop FY 2007 budgets for the consolidated boards. The task force also may recommend additional regulatory boards to be consolidated as well as modifications to

the consolidation proposal.

The Board of Embalmers decided to remain neutral on the consolidation because the Boards have not been given specific details of how the consolidation would impact consumers and licensees. However, the Board directed the Executive Director to work with the Governor's Office.

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The Board recessed at 4:00 P.M.

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Wednesday February 23, 2005

The Board reconvened at 8:06 A.M. in the Boardroom on the 31<sup>st</sup> Floor of the Riffe Center. Vice-President Robert L. Shank presided. Present were: Virginia S. Cheney, Ross C. DeJohn, Pernel Jones, John J. Hadley, Robert L. Shank, Kurtis A. Tunnell, Inspector Frank J. Savage, Inspector Charles H. Wisby, Administrative Assistant Cameron R. Casper, Executive Director Ann Cunningham. Mrs. Barbara Hadley.

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The Board reviewed the grades of the Ohio laws examinations. The Sanitation and the Funeral Service Arts and Science examinations written January 26-27, 2005. Motion by Mr. Hadley, seconded by Mr. Tunnell, that applicants with a score of 75% or higher on the examinations will be issued an embalmer and/or funeral director license number, pending receipt of a properly completed application and the initial license fee. Motion approved. A list of applicants, their scores, and license number will be entered into the journal. Roll Call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tunnell, Aye.



Continuing education

The list of continuing education programs considered by the Board during the February 2005 meeting, is attached to the approved minutes filed in the Board’s office, and appears in the Continuing Education Section of the Board’s Website.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved, and where indicated denied, the following Prior Approval continuing education programs. Ayes: 6. Nays: 0.

On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved, and where indicated denied, the following Blanket Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved

On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board approved, and where indicated denied, the following Individual Approval continuing education programs. Ayes: 6. Nays: 0 Motion approved

On a motion by Mr. DeJohn, seconded by Mr. Tunnell, the Board approved the following exemptions and waivers. Ayes: 6. Nay: 0. Motion approved.

Application for Waivers and Exemptions 2002-2004

Waiver	Exemption	Licensee Name	Granted/Denied
	X	Kresser, Suzanne M (Reeves)	Granted
	X	Trost, Lisa Allison	Granted
X		Nickels, Fred G	Granted

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved the following exemptions and waivers. Ayes: 6. Nay: 0. Motion approved.

Application for Waivers or Exemption 2004-2006

Waiver	Exemption	Licensee Name	Granted/Denied
X		Sinchak, Gertrude M	Granted
X		Jarvis, Paul D	Granted



On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board meeting adjourned at 8:55 A.M. Ayes: 6. Nays: 0. Motion approved.

