

Tuesday – June 21-22, 2005

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. President, Robert L. Shank called the meeting to order at 1:00 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. Barbara Hadley observed the meeting.

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On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved, as amended, the minutes of the meeting held on May 24-25, 2005. Ayes: 6. Nay: 0. Motion approved.

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Announcements

The Executive Director announced that she would be on vacation from July 14-18, 2005 and August 8-12, 2005, but would be present for the AAG/Inspectors' meeting on August 11. In addition, Ms. Cunningham announced that she was one of three Executive Directors to be elected to the Transition Team to represent the twenty Boards affected by the consolidation.

The Board Members were reminded that Mr. Hadley, Mr. Wisby and Mr. Casper will represent the Board at the Central Ohio Funeral Directors Association meeting on June 28, 2005, to participate in the program on cremation.

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Unfinished Business

Board Members received a copy of a proposed agreement with the Ohio Department of Health Office of Vital Statistics relative to license verification and self-registration of funeral directors for the Web-Death-EDRS System. The agreement proposed that the Board will release specific data, but stated that the Board is not verifying licenses and is not responsible for errors that may occur since the Board updates licensee files on a daily basis. The data files are an accurate representation of information maintained by the

Board, but no use may claim detrimental reliance thereon. The Department of Health Office of Vital Statistics will contract with the Department of Administrative Services/Information Technology Services for the actual transfer of information and costs of the transfers.



Board Members received a copy of a statement posted on the Board’s Website. The statement is:

**Continuing Education Hours**

Please be advised that it is the responsibility of each licensee to document the total number of CE hours they have attended within each compliance period.

Ohio E-License is the State of Ohio’s new data system for twenty-seven licensing boards. Ohio E-license performs well and offers many options, but it has not been able to tally the individual licensee’s CE hours.

From the beginning, the Board requested a mechanism that would allow individual licensees to look up and view their own continuing education hours. Currently, Ohio E-License system does not provide this service. Every effort will be made to secure this service, but for now, each licensee must maintain documents as proof of attendance.

Also, licensees should be prepared to submit proof of attendance.



On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board approved, pending review by the Board’s Assistant Attorney General, a contract with Stein Chapin & Associates to provide professional services relative to the promulgation and review of Administrative Rules. Ayes: 6. Nays: 0. Motion approved.



New Business

On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the following application for crematory facility licenses

<u>Facility</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
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Tri-County Cr	Fostoria	Hancock	12/27/04
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On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the following applications for crematory facility licenses **pending** receipt of the occupancy permit and final inspection by the Board.

<u>Facility</u>	<u>Location</u>	<u>County</u>
Cremation Center	Wauseon	Fulton
Tobias Cr	Beavercreek	Greene



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



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

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Evans FH	Norwalk	Huron	07/19/04
Mann-Hare FH	Fostoria	Hancock	12/27/04
Shields FH	Forest	Hardin	03/16/04
Tobias FH	Beavercreek	Greene	08/09/04
Tobias FH	Dayton	Montgomery	02/24/05
Tobias FH	Dayton	Montgomery	06/09/05
Tobias FH	Dayton	Montgomery	03/24/05
Don Wolfe FH	Sciotoville	Scioto	06/15/05



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved the following applications for funeral home licenses **pending** receipt of the occupancy permit and final inspection by the Board.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Silva-Hostetler FH, LLC	Barberton	Summit



On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board approved the following applications for funeral home license **after** approval of the application, receipt of the occupancy permit and the final inspection.

<u>License #</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Final Inspection</u>
FH 002785	Cisco FH	St. Marys	06/06/05

FH 002786	Gary Mem C	Columbus	06/07/06
FH 002788	Reed FH	North Canton	06/17/05
FH 002787	Smith & Ogle FH Inc	Oxford	06/08/05



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

<u>I. D. #</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
FH 002598	Dombrowski-Volak-Riddle	Matthew Humphrey	Lorain
FH 002497	J. P. Rogers FH	James P. Riepenhoff	Jackson
FH 001649	Clifford Shoemaker FH	Kenneth R. Shoemaker	Summit



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 May 2005.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 002597	J. P. Rogers FH	James P. Riepenhoff	Jackson
FH 002539	Birkenkamp-Walter FH	Mercene Hanneman	Lucas



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

<u>First name/initial</u>	<u>Last name</u>	<u>Embalmer License #</u>	<u>Funeral Director License #</u>
Corey N.	Belaney	9144 R	9085 R
Robert T.	Brandner	9145 A	9086
Michael A.	Carnes	9146 A	9087
Kyle R.	Conroy	9147 A	9088
Joshua B.	Fraley		9089
Preston K.	Fraley	9148 A	9090
Neil T.	Harris	9149 A	9091
John E.	Keipper		9092
Gretchen L.	Kell	9150 A	9093
Jessica L.	Lemmink	9151 A	9094
Roland A.	Miller Sr.		9095
Nancy S.	Myers		9096
Joanie L.	Stotka-Rands	9152 A	9097
Chelsey N.	Santucci	9153 A	9098

William A.	Schneider		9099
Thor W.	Triplett		9100
Linda G.	Zerkel	9154 A	9101



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

<u>First Name</u>	<u>Last Name</u>	<u>Embalmer Number</u>	<u>Funeral Director Number</u>	<u>Date Registered</u>
Aronda M.	Thomas		F 0156 05	05/02/05
Donia M.	Intriere		F 0157 05	05/13/05



The following individuals certified an apprenticeship during the month of May 2005.

<u>First name/initial</u>	<u>Last name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Andrew P.	Thornbery	Emb/FD	Tobias FH 3970 Dayton-Xenia Rd Beavercreek
Richard R.	Hand-Cannane	Emb/FD	Bartley FH 205 W Lincoln Way Minerva
Aronda M.	Thomas	FD	Dale-Riggs FH 572 Nebraska Ave Toledo



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	20	114
Quarterly Master Reports	3	18
Board Interviews	1	3



The Board members reviewed various news articles.



Board Members received a copy of a bill analysis of H.B. 243 that will require the Legislative Service Commission to prepare a family impact statement to assess the effect of proposed legislation on family formation, maintenance, and well being before the General Assembly takes certain actions on the legislation.



Board Members received a copy of the cemetery fees for the Bonaventure Cemetery located in Savannah, Georgia forwarded to the Board as interesting information.

Correspondence

1. A letter from Matthew Humphrey concerning a firm title change. The Board approved the change from “Dombrowski-Volk-Riddle Funeral Home” to “Dombrowski-Humphrey-Riddle Funeral Home.” Secretary to inform Mr. Humphrey that all signage and advertisements must reflect the new firm title. All Board records will be amended to indicate the change.
2. A letter from Lauren B. Gibson requesting permission to engage in part-time employment during her apprenticeship. On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved Ms. Gibson’s request providing she works no more than twenty hours per week at the veterinary clinic. Ayes: 6. Nays: 0. Motion approved.
3. A letter from David Gary informing the Board that the Gary Memorial Chapel located at 2500 Cleveland Avenue in Columbus is closed because a new license was issued for his new facility located at 867 South James Road in Columbus. The Board accepted Mr. Gary’s notice.
4. A letter from Larry C. Smith informing the Board that the Smith & Ogle Funeral Home located at 101 West Church Street in Oxford is closed because a new license was issued for his new facility located at 5086 College Corner Pike in Oxford. The Board accepted Mr. Smith notice.
5. A letter from Douglas B. Miller concerning a firm title change. The Board approved the change from “Hoeflinger Funeral Home” to “Hoeflinger-Bollinger Funeral Home.” Secretary to inform Mr. Miller that all signage and advertisements must reflect the new firm title. All Board records will be amended to indicate the change.
6. A letter from Donald Wolfe informing the Board that he sold his business, Don Wolfe Funeral Home, Inc in Sciotoville, and he returned the display license along with the clearly enumerated list of all preneed. The Board accepted Mr. Wolfe’s notice.



The Continuing Education Committee reported success with reviewing applications for continuing education forms prior to the Board Meeting. The Committee will meet on Thursday, July 28 prior to the July meeting to review applications for continuing education programs.



Persons Before the Board

Kevin L. McDowd, reciprocal applicant from Indiana, appeared before the Board to answer questions concerning his application. On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved Mr. McDowd’s application. Ayes: 5. Nays: 0. Abstain: 1. Motion approved. Mr. McDowd will write the July 2005 Ohio Laws examination.

Charles D. Slone appeared before the Board to request reinstatement of his embalmer and funeral director licenses. In addition to Mr. Slone, the following individuals spoke on Mr. Slone’s behalf: Representative Thomas F. Patton, Fr. John B. McNulty, Thomas Corrigan, and Peter Catavolus. The Board asked if Mr. Slone currently owned any funeral homes, Mr. Slone responded that he had stock ownership in Biscan Brothers and Bollinger Catavolus. Mr. Slone stated that he did not have an insurance license, and the his probation ended on June 28, 1995.

The Board, on a motion by Mr. DeJohn, seconded by Mr. Hadley, voted to contact the Alderwoods Group, (formerly Loewen Group) and ask for the company’s recollection of the complaint. Ayes: 5. Nays: 1. Motion approved.

Mr. Tunnell left the Board meeting at 2:55 P.M.

John Douthitt, applicant for embalmer and funeral director registration, appeared before the Board to answer questions concerning his application. On a motion by Mr. Jones, seconded by Mr. Hadley, the Board approved Mr. Douthitt applications for registration. Ayes: 5. Nays: 0. Motion approved.



Inspectors' Reports

From May 16, 2005 through June 10, 2005, Inspector Savage reported that he drove 2,234 miles in the counties of Cuyahoga, Erie, Geauga, Huron, Lorain, Medina, Muskingum, Ottawa, and Richland. Inspector Savage asked the Board to direct funeral homes to have copies of current renewal license cards for all employees as proof of licensure. In addition, funeral homes will be required to provide proof of the licensure of the manager and the funeral director actually in charge of and ultimately responsible for the funeral home. The Assistant Attorney General will review the wording of the notice.

Crematory facility inspections	3
Funeral home inspections	57
Violations discovered	3
Investigations activities	4
Apprentices monitored	2

From May 16, 2005 through June 10, 2005, Inspector Wisby drove 1,963 miles in the counties of Athens, Auglaize, Brown, Butler, Franklin, Montgomery, Preble, and Vinton.

Crematory facility inspections	4
Funeral home inspections	32
Violations discovered	1
Investigations activities	1
Apprentices monitored	2



On a motion by Mr. DeJohn, seconded by Mr. Hadley, 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.

The President declared the Board out of executive session.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board considered and closed seventeen (17) investigatory files. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.



On a motion by: Mr. DeJohn, seconded by: Mr. Hadley, the Board voted to charge John P. Detling, Thomas D. Rue and the Littleton & Rue Funeral Home with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct; specifically for violation of the Cremation Authorization Agreement in the funeral of Richard Conklin. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to charge Mark S. Van Horn and the Van Horn Funeral Homes in Jackson Center and Lakeview with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct, specifically for misappropriating preneed funds for 29 insurance-funded preneed contracts. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to charge Michael J. Ryan, Bryon L. Adkins and Vorhis Funeral Home, Inc. with violation of Section 4717.14(A)(3) of the Revised Code for failure to provide a General Price List when requested as concerns the funeral arrangements for Meghan J. Wiles and as required by the Code of Federal Regulations Title 16: 453.2; and for violation of Section 4717.14(A)(4) of the Revised Code unprofessional conduct. Specifically for inappropriate behavior during the course of making funeral arrangements for Meghan J. Wiles. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the board voted to charge Thomas E. Prentice and Prentice Funeral Home, Inc. with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct, specifically for failure to properly fund the preneed contract for Alice Mallonee. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.



On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board voted to charge Ronald L. Kercheval, Jeffrey S. Staver, John H. Tredway and Tredway-Pollitt Funeral Home with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct, specifically for conduct surrounding the funeral and entombment of Barbara Norris. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to charge the following funeral homes for violation for Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code as the sections incorporate Section 1111.19 of the Revised Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.

FH 000064	Miller Funeral Home, Inc.
FH 001821	Vornholt-Miller Funeral Home
FH 002056	E. F. Boyd & Son Funeral Services
FH 001744	Merle Owens & son Funeral Services
FH 001724	Mosinski Funeral Home, Inc.
FH 001776	Spoto Funeral Service
FH 001769	O’Shaughnessy Funeral Home
FH 001578	McClave-Chandler-Mills, Inc.
FH 00000607	McClave-Chandler-Mills, Inc.
FH 001884	Johnson-Melick-Moreland
FH 002197	Eichholtz Funeral Home
FH 001997	Eichholtz Funeral Home
FH 001609	Eichholtz Funeral Home
FH 002435	Kauffman-Eichholtz Funeral Home
FH 002596	Lane Funeral Home
FH 002594	Lane Funeral Home
FH 001751	Bowman Funeral Chapel North
FH 001750	Bowman Funeral Chapel South
FH 002626	Madasz Funeral Home
FH 001735	Garrett Funeral Home
FH 002298	Custer-Glenn Funeral Home



On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved an ethics course titled Ethics, Values & Morality offered at Hocking College, and selected by Frank Eric Smith as ordered by the Board. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye.

#### Fiscal

The Board reviewed the revenue journal with a balance as of \$1,051,278.88 as of the end of May; the balance is a result of the biennial renewal, and voucher journal with 62 vouchers and encumbrances for May. Also, the Board reviewed a comparison chart of expenditures to date.

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Board Members received a copy of the home page for the Ohio Administrative Knowledge System (OAKS) that will integrate the functions of five major statewide business functions; capital improvements, financial, fixed assets, human resources and procurement. OAKS should be fully operational by 2007.

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The Board reviewed the pending budget language as passed by the Senate, relative to the consolidation of 27 licensing Boards. It was noted that 7 Boards were removed, but the Board of Embalmers and Funeral Directors is one of 20 Boards remaining in the consolidation. There was a change in the proposal that reads “In addition, the transition team shall include a total of three members representing the affected regulatory boards, to be selected by the executive directors of those boards.”

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On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved the personal service contract with Blaugrund, Herbert & Martin, Inc to act as hearing officer at the rate of \$95.00 per hours for a maximum of \$4,750.00 for Fiscal Year 2006, pending review by the Board’s Assistant Attorney General and availability of funds. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved the personal service contract for educational consultant, Donald Neff, at the rate of \$22.00 per hour for a maximum of \$3,300.00 for Fiscal Year 2006, pending review by the Board’s Assistant Attorney General and availability of funds. Ayes: 5. Nays: 0. Motion approved.



The Board recessed at 4:30 P.M.



Wednesday June 22, 2005

The Board reconvened at 8:08 A.M. in the Board Office on the 16th Floor of the Riffe Center. President Robert L. Shank presided. Present were: Virginia S. Cheney, John J. Hadley, Ross C. DeJohn, Pernel Jones, Kurtis A. Tunnell, Inspector Frank J. Savage, Inspector Charles H. Wisby, Administrative Assistant Cameron R. Casper, Executive Director Ann Cunningham. Barbara Hadley observed the Board meeting.



Continuing education

The list of continuing education programs considered by the Board during the June 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. DeJohn, seconded by Mrs. Cheney, the Board approved, and where indicated denied, the following Prior Approval continuing education programs. Ayes: 5. Nays: 0.

On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board approved, and where indicated denied, the following Blanket Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved

On a motion by Mr. Jones, seconded by Mrs. Cheney the Board approved, and where indicated denied, the following Individual Approval continuing education programs.

Ayes: 5. Nays: 0 Motion approved

There were no applications for waivers or exemptions of the continuing education requirement.

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Mr. Hadley will help monitor examinations on Wednesday, July 27 and Thursday, July 28, 2005.

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With much regret the Board accepted the resignation of Cameron R. Casper, Administrative Assistant. The Board Members expressed their gratitude for his cooperation and endeavors since July 2004. The position is posted immediately according to the requirements of the State of Ohio Department of Administrative Services. The Staff Committee hopes to find a suitable candidate by August 1, 2005.

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On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board meeting adjourned at 9:12 A.M. Ayes: 6. Nays: 0. Motion approved.

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