

Tuesday – July 28, 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. Also present was Nathaniel Jonhenry of Representative Tom Patton’s office, Charles D. Slone, and Dan Reinhard, attorney.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved, as amended, the minutes of the meeting held on June 21-22, 2005. Ayes: 5. Nay: 0. Motion approved.



Reorganization

President Shank asked for nominations, and Mr. Hadley nominated Mr. Shank for President, Mr. DeJohn for Vice-President, and Mr. Jones for Secretary-Treasurer. Mrs. Cheney seconded the nominations. The Board voted to approve the nominations. Ayes: 6. Nays: 0. Motion approved.

Pursuant to Section 4717.03 of the Revised Code, the President appointed Mr. DeJohn, Mr. Hadley, and Mr. Shank to represent the Board on the Crematory Review Board.

- Apprenticeship Committee: Mr. DeJohn, Mr. Hadley, and Mr. Jones
- Continuing Education Committee: Mr. DeJohn, Mr. Hadley, and Mr. Shank
- Preneed Committee: Mr. DeJohn, Mr. Jones, and Mr. Shank
- Staff Committee: Mr. DeJohn, Mr. Jones, and Mr. Shank



Announcements

The Executive Director reported that on June 28, 2005, Mr. Hadley, Mr. Wisby and Mr. Casper participated in the Central Ohio Funeral Directors Association on program on Cremation. Mr. Hadley will be paid per diem and allowable travel expenses.

The Board members congratulated Mrs. Cheney and Mr. Hadley on their reappointments to the Board.

The Staff Committee met July 11, 2005 to review applications for Administrative Assistant, and again on July 20, 2005 to interview five applicants. Jennifer Baugess was selected to join the Board staff on August 8, 2005. Mr. DeJohn, Mr. Jones and Mr. Shank will be paid per diem and allowable travel expenses for both days.

Mr. Hadley monitored examinations on July 27-28, 2005, and will be paid per diem and allowable travel expenses.

The Executive Director reported the she has met several time with the other two Executive Directors to prepare for their participation on the Consolidation Transition Team. The meeting schedule for the full Transition Team has not been announced.

Ms. Cunningham will be on vacation during the week of August 8-12, but will return to the Board office for meetings throughout the week.



Unfinished Business

The Board reviewed a news article concerning Personal Preference Laws for Body Disposition and a list created by the Funeral Consumer Alliance documented such laws in each state. An article from FuneralWire.com noted that current Army or DoD regulations, policies, and federal laws do not allow soldiers to either assign a nonblood relative authority to handle the disposal of remains(DOR) or for the soldier to preplan funeral arrangements. When contacted by the Legislative Service Commission, Ms. Cunningham directed the analyst to both sites.



Board members reviewed a copy of Sales Tax Destination Sourcing Legislation Protects Small Business prepared by John T. McGough.



Board Members reviewed copies of Comparison Document Amended Substitute House Bill 66 dated June 21, 2005, Main Operating Appropriations Bill as Amended by Conference Committee which included language to consolidate 20 Boards. Board members were reminded that this consolidation was not vetoed by the Governor as reported in the media. Also included in the document was the Board’s request to change “serve” to “satisfactorily complete” in Section 4717.05 of the Revised Code.

Charles D. Slone returned to answer additional questions concerning his request to reinstate his revoked embalmer and funeral director licenses. Dan Reinhard, attorney, accompanied Mr. Slone. The Board reviewed Mr. Slone’s written response with attachments; a statement from Drew Gauntley, Vice-President, Trust and Regulatory Compliance, Alderwood Group(formerly Loewen) with attachments; and the Board’s summary of the complaint beginning in 1991. There were many questions concerning the actual amount of stolen preneed funds and actual amount of restitution. Citing the seriousness of the offense, lack of full restitution despite a court settlement to the contrary, victim’s statement and protection of consumers, the Board voted to deny Mr. Slone’s request for reinstatement. Motion by Mr. DeJohn, seconded by Mr. Hadley, roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tunnell, Aye.



New Business

There were no applications for crematory facility license.



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. Ayes: 6. Nays: 0. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>
Ohio River Valley Cr	Proctorville	Lawrence



The following crematory facility application was previously approved, and submitted an occupancy permit after which the Board’s inspector performed a final inspection.

License no.	Crematory facility	Location	Final inspection License issued
CR 000089	Newcomer Cr	Grove City	06/28/05



On a motion by Mr. Hadley, seconded by Mr. DeJohn, 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>
Belton-Stroup FH Inc	Fairborn	Greene	07/25/05
Clarke FH LLC	Toronto	Jefferson	03/08/05
Eldon A Good FH Inc	Cincinnati	Hamilton	03/11/05
Renfro Funeral Services, Inc	Cincinnati	Hamilton	01/28/05



On a motion by Mr. Hadley, seconded by Mr. DeJohn, 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>
Brown Funeral Chapel	Ironton	Lawrence



The following funeral home application was previously approved, and submitted an occupancy permit after which the Board’s inspector performed a final inspection.

<u>License #</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Final Inspection Issue date</u>
FH 002789	J. E. Scott FH Inc	Akron	07/15/05



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

<u>I. D. #</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
FH 002786	Gary Memorial Chapel	Rebecca L. Alli	Franklin
FH 006703	Fortuna FH Inc.	Mary Ann Fortuna Trzaska	Cuyahoga



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 June 2005.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
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FH 002786	Gary Memorial Chapel	Rebecca L. Alli	Franklin
FH 001896	Fortuna FH Inc.	Mary Ann Fortuna Trzaska	Cuyahoga
FH 001974	Warren-Brown FH	Frederick Allen Morgan	Athens
FH 001272	Boring-Sheridan FH	Craig M. Sheridan	Licking
FH 000734	Clemente FH Inc.	Cynthia M. Clemente	Mahoning
FH 000547	Hanson-Neely FH Inc	Carl J. Weber	Hardin
FH 002710	Vorhis FH Inc.	Louis E. Sprague	Hamilton



On a motion by Mr. DeJohn, seconded by Mr. Hadley 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>
Jeffrey L.	Bour	9155 A	9085 R
Gene A.	Dale	9145 A	9102



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

<u>First Name</u>	<u>Last Name</u>	<u>Embalmer Number</u>	<u>Funeral Director Number</u>	<u>Date Registered</u>
Lauren B.	Gibson		0158 05	06/14/05
Amanda L.	Koch	0107 05	0159 05	06/15/05
Keith A.	Perkins		0160 05	06/15/05
Kristina L.	Vecchione	0108 05	0161 05	06/15/05
Keith O.	Ebright		0164 05	06/20/05
Michelle E.	Bennett		0164 05	06/27/05
Gregory K.	Brown	0109 05	0165 05	06/27/05
Gwendolyn M.	Fisher	0110 05	0166 05	06/27/05
Jamee L.	Fuhrman	0111 05	0167 05	06/27/05
Christopher L.	Gilbert	0112 05	0167 05	06/27/05
Joshua B.	Kiba	0114 05	0169 05	06/27/05
Sharon A.	Rainey	0114 05	0170 05	06/27/05
W. Craig	Rutherford	0115 05	0171 05	06/27/05
Robert E.	Willmann		0172 05	06/27/05



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

<u>First name/initial</u>	<u>Last name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Gregory K.	Brown	EMB/FD	Heinlein-Brown FH 204 West Main St Logan OH 43138

Keith O.	Ebright	FD	Dwayne Spence FH 550 Hill Rd North Pickerington OH 43147
Jamee L.	Fuhrman	EMB	Spence-Miller FH 2697 Columbus St Grove City OH 43123
Jamee L.	Fuhrman	FD	Epstein Memorial Chapel 3232 E Main St Columbus OH 43213
Lauren B.	Gibson	FD	Egbert FH 101 Liming Farm Rd Mt Orab OH 45154
Joshua B.	Kiba	EMB/FD	Formet-Clevenger-Gordon FH 1803 Cleveland Ave NW Canton OH 44709
Amanda L.	Koch	EMB/FD	Bundy-Law FH 120 N 11 <sup>th</sup> St Cambridge OH 44709
W. Craig	Rutherford FH	EMB/FD	Rutherford FH 2383 N High St Columbus OH 43725
Stephanie E.	Strawbridge	FD	J. W. Wills Co 14711 Harvard Ave Cleveland OH 44128
Kristina L.	Vecchione	EMB/FD	Higgins-Reardon FH 4303 Mahoning Ave Youngstown OH 44515



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	105	181
Quarterly Master Reports	17	30
Board Interviews	3	6



The Board members reviewed various news articles.



Board Members reviewed an email from Dalene Randall, Executive Director of the International Conference of Funeral Service Examining Boards, soliciting a response regarding the formation of a funeral director only curriculum. The Conference’s Committee on Accreditation was assigned the task of investigating and putting together a possible curriculum for a Funeral Director’s Program (no embalming.) The Board would be in favor of a funeral director only program, and the Secretary is to request more details as they come available.

Board member received a copy of the Ohio Funeral Directors Association Legislative Update, July 14, 2005, prepared by John T. McGough.



Correspondence

1. A letter from R. Scott Gilligan concerning a change of firm title. The Board approved the request to change “Cunningham-Schneider Funeral Home” to “Cunningham Funeral Home.” Secretary to inform Mr. Gilligan and Mr. Cunningham that all advertisements and signage to reflect the new title.
2. A letter from Joseph D. Lane concerning a change of firm title. The Board approved the request to change “Madasz Funeral Home” to “Lane Funeral Homes.” Secretary to inform Mr. Lane that all advertisements and signage to reflect the new title.
3. A letter from Albert L. Boehmer, III informing the Board of the closure of the Albert L. Boehmer & Son Funeral Home located in St. Bernard. Secretary to thank Mr. Boehmer for forwarding the display license, renewal license and list of preneeds.
4. A letter from Jeffrey A. Ferrara, an apprentice, requesting an extension of the twenty-four month period allowed to operate the Ferrara Funeral Home without adding the name of the funeral director actually in charge of and ultimately responsible for the funeral home. The Board denied the request. Secretary to inform Mr. Ferrara that the funeral home firm title must be changed.
5. A letter from Josh Schlicher, Memorial Funeral Service of Ohio, Inc, located in Marietta proposing a new direct cremation and burial business. Noting that this service is not a funeral home, or licensed, the Board asked the Assistant Attorney General to respond to Mr. Schlicher.
6. A letter from Clark Battista, Battista and Battista Co., L.P.A., concerning the operation of the Bartley Funeral Home. On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board voted to approve the request to operate the Bartley Funeral Home for twelve months until the anniversary of the death of Marilyn R. Bartley. Ayes: 5. Nays: 0. Motion approved.

- 7. A letter from David L. Bussa requesting a waiver of the late penalty fee for late renewal. The Board denied Mr. Bussa’s request because Section 4717.08 (C) of the Revised Code mandates the procedure for reinstatement.
- 8. A letter from James C. Strabler concerning a change of firm title. The Board approved the request to change “Strabler Funeral Home” to “Blanchard-Strabler Funeral Homes.” Secretary to inform Mr. Strabler that all advertisements and signage to reflect the new title.
- 9. A letter from Mark Merz, manager, informing the Board that Blanchard Brothers Funeral Home located at 1163 West Sylvania Avenue, Toledo, is closed. Secretary to request a clearly- enumerated list of preneeds.
- 10. A letter from Keith Walker concerning a change of firm title. The Board approved the request to change “Gerner-Wolf-Brossia & Walker Funeral Home” to “Gerner-Wolf-Walker Funeral Home” in Port Clinton, “Robinson-Henn-Brossia & Walker Funeral Home” to “Robinson-Walker Funeral Home” in Genoa and Oak Harbor. Secretary to inform Mr. Walker that all advertisements and signage must reflect the new title.
- 11. A letter from Marilyn Claus Fraser concerning funeral home firm title of the Claus Funeral Home. Secretary to inform Ms. Fraser that Section 4717.11 of the Revised Code requires her to add her name to the firm title within two years, and if she returns to her maiden name, she may change the name of the funeral home.



The Continuing Education Committee reported that they met at 10:30 A.M. prior to the Board meeting to review continuing education applications.

The Staff Committee completed its evaluation of the Executive Director.



Inspectors' Reports

From June 13, 2005 through July 22, 2005, Inspector Savage reported that he drove 2,554 miles in the counties of Ashland, Coshocton, Cuyahoga, Knox, Marion, Morrow, Portage, Stark, Summit, and Tuscarawas.

Crematory facility inspections	12
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Funeral home inspections	71
Violations discovered	1
Investigations activities	2
Apprentices monitored	1

From June 13, 2005 through July 22, 2005, Inspector Wisby drove 4038 miles in the counties of Allen, Defiance, Fayette, Franklin, Jackson, Lawrence, Madison, Miami, Paulding, Pickaway, Pike, Putnam, Ross, Scioto, Shelby, Van Wert, and Vinton. Inspector Wisby reported that he delivered the framed resolution to former Board member, Dave Tobias. Mr. Tobias was very appreciative of the Board gift.

Crematory facility inspections	4
Funeral home inspections	83
Violations discovered	2
Investigations activities	1
Apprentices monitored	6



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. Hadley, seconded by Mr. Tunnell, the Board considered and closed six (6) investigatory files. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tunnell, Aye.



On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to rescind the denial of a request by John M. Ritondaro to reinstate his embalmer and funeral director

licenses because of an incorrect law citation. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tunnell, Aye.



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to deny a request to reinstate Embalmer license number 005024 A and funeral director license number 004804 held by John M. Ritondaro as a result of a violation of Section 4717.14(A)(2) of the Revised Code, which states: the applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude. Specifically on November 10, 1999, Mr. Ritondaro entered a plea of guilty to attempted corruption of a minor, in violation of Section 2923.02 (A) and Section 2907.04(A) of the Revised Code, a felony of the fifth degree. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tunnell, Aye.



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to charge Pamela Williams-Briggs and the Williams Funeral Service with violation of Section 4717.14(A)(4) of the Revised Code, for immoral or unprofessional conduct. Specifically, for failure to notify the next of kin as it pertains to making funeral arrangements for the death of Oliver Alexander. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tunnell, Aye.



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to charge Timothy H. Matheney, Susan S. Matheney, and Matheney Funeral Home with a violation of Section 4717.23(A)(3) of the Revised Code, for failure to complete a cremation authorization form executed pursuant to Sections 4717.21 and 4717.24 of the Revised Code, as applicable, that authorizes the cremation of the decedent; specifically, for the cremation of Norman R. Andrews without proper cremation authorization. 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 \$1,095,138.88 as of the end of June; the balance is a result of the biennial renewal, and voucher journal with 66

vouchers and encumbrances for June. Also, the Board reviewed a comparison chart of expenditures to date. Board Members received copies of a revised draft of the management letter from the Auditor of State for the audit ending June 30, 2004.



The Board recessed at 3:33 P.M.



Wednesday July 29, 2005

The Board reconvened at 8:00 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 July 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. Tunnell, seconded by Mr. Hadley, the Board approved, and where indicated denied, the Prior Approval continuing education programs, Blanket Approval continuing education programs, and Individual continuing education programs Ayes: 6. Nays: 0.

On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board approved the following exemption and waivers. On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board approved the following exemption and waivers. Ayes: 6. Nays: 0. Motion approved.

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee Name</u>	<u>Granted/Denied</u>
	X	Heller, George W.	Granted
	X	Zele, Louis F.	Granted



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

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On a motion by Mrs. Cheney, seconded by Mr. DeJohn, the Board meeting adjourned at 8:15 A.M. Ayes: 6. Nays: 0. Motion approved.

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