

Tuesday – October 25, 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 1:08 P.M. Other Board members present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones, Roger Primm, and Kurtis A. Tunnell. Also, present were: Anthony Siciliano, Assistant Attorney General; Zachary Dunlap, Attorney General's Office, Frank J. Savage, Inspector; Charles H. Wisby, Inspector; Jennifer Baugess, Administrative Assistant; Linda Clark, Certification/License Examiner; Lena Wright, Administrative Assistant, and Ann Cunningham, Executive Director.

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On a motion by Mr. Hadley, seconded by Mr. Jones, the Board voted to amend the agenda. A.A.G. Siciliano will be present Wednesday morning for compliance and pending complaints. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved, as amended, the minutes of the meeting held on September 27-28, 2005. Ayes: 5. Nay: 0. Motion approved.

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Director's Report

Ms. Cunningham reported on the hearing for new and amended rules held October 4. The rules were approved and will be effective November 10, 2005. There will be another hearing on October 21, 2005 for rules reviewed but with no changes.

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Mark Kassouf, Assistant Director of the Office of Vital Statistics in the Department of Health was unable to attend the Board meeting.

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Board Members received a copy of the power-point presentation created by Executive Directors Chris Logsdon, Jeff Rosa, and Ann Cunningham, and presented to the Transition Team working on the proposed consolidation of twenty boards. Board Members reviewed news articles reporting the possible reversal of the consolidation proposal by the State Senate.

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Executive Director Cunningham pointed out a potential problem with issuance of initial licenses after the November Board Meeting. The Board's November and December meetings are seven business days apart, restricting the time period for submission of license applications and fees. On a motion by Mr. Hadley, seconded Mr. Tunnell, the Board approved a procedure by which applicants submit the required documents and fees, and are issued an initial license by the Board office. The Board will review and ratify the licenses at the next Board meeting. Ayes: 7. Nays: 0. Motion approved.



Licensure

There were no applications for crematory facility.

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

Previously, the Board approved the issuance of a crematory facility license to the following after approval of the application, receipt of the occupancy permit, and the final inspection. The crematory license number was issued the dated of the final inspection.

<u>License no.</u>	<u>Crematory Facility</u>	<u>Location</u>	<u>Final inspection</u>
CR 000092	Southern Ohio Vault	New Boston	10/20/05



On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the following applications for funeral home license. Ayes: 7. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Silva-Hostetler FH LLC	Akron	Summit	02/01/05



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved the following applications for funeral home licenses **pending** receipt of the occupancy permit and final inspection by the Board. Ayes: 7. Nays: 0. Motion approved.

<u>Firm title</u>	<u>Location</u>	<u>County</u>
Brickman Bros FH	Willoughby	Lake



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 September 2005.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 002786	Gary Memorial Chapel	David Gary	Franklin
FH 002131	Hahn-Hostetler-Silva FH	Donald W. Thacker	Summit
FH 002511	Hogenkamp Weber FH	James Hapner	Allen
FH 002281	Ingling Williams Maley FH	Wayne L. Smith	Clark
FH 002282	Jackson Lytle Williams Maley	Wayne L. Smith	Clark
FH 002284	Jackson Lytle Williams Maley	Wayne L. Smith	Green
FH 002357	Silva FH	John D. Bokas	Summit
FH 002291	Wood-Kortright FH	Aaron Borkoski	Portage



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

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 002041	Argo-Bolton & Lunsford	Melanie L. Hulst	Hamilton
FH 002786	Gary Memorial Chapel	David Gary	Franklin
FH 002511	Hogenkamp Weber FH	James Hapner	Allen
FH 002281	Ingling Williams Maley FH	Christopher Kemmerer	Clark
FH 002282	Jackson Lytle Williams Maley	Mark Naill	Clark
FH 002284	Jackson Lytle Williams Maley	Traci Skeen	Green
FH 002357	Silva FH	John D. Bokas	Summit
FH 002291	Wood-Kortright FH	Aaron Borkoski	Portage



Mrs. Clark presented her report on registrations, apprenticeships, and initial licenses to the Board Members:

There were no individuals issued embalmer and/or funeral directors licenses.



The following individuals qualified and were issued registration numbers during the month of September 2005.

Name	Embalmer No.	Funeral Director No.	Date registered
Valery A. Bayliff-Fultz		0179 06	09/12/05
Robert W. Duda	0118 06	0180 06	09/12/05
Stephanie R. Yeary		0181 06	09/12/05
Scott J Allison	0119 06	0182 06	09/26/05
Amy E. Wappner	0120 06	0183 06	09/26/05
Robert C. Ferguson	0121 06	0184 06	09/27/05
Brett A. Fry	0122 06	0185 06	09/27/05
Devon R. Skelton	0123 06	0186 06	09/27/05



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

<u>Name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Valery A. Bayliff-Fultz	FD	Bayliff & Son FH 311 W Main St Cridersville
Mindy J. Edwards	FD	Bolin-Dierkes FH 1271 Blue Ave Zanesville
Scott J. Allison	EMB/FD	Hanson-Neely FH 311 E Lima Ave Ada
Brett A. Fry	EMB/FD	Cowan & Son FH 616 S Washington St Van Wert



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	157	205
Quarterly Master Reports	25	33
Board Interviews	4	7



Mrs. Clark presented the following letters to the Board for consideration:



Board Members reviewed a letter from Roger E. Given, reciprocal applicant requesting permission to interview with the Board Member during the December meeting. Mr. Given's college transcript is due in the Board office December 7, 2005. On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to allow Mr. Givens to interview with the Board during the December meeting. However, Mr. Givens must fulfill the mandatory requirements of Chapter 4717 of the Revised Code. Ayes: 7. Nays: 0. Motion approved.

Board Members reviewed a request by Marc Burr concerning his apprenticeship and his temporary employment with Kenyon International working in the New Orleans area. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved Mr. Burr's request to continue his temporary employment as part of his apprenticeship because it provides a unique experience. Ayes: 7. Nays: 0. Motion approved.



#### Fiscal

Ms. Wright presented the fiscal report to the Board. Board Members reviewed the revenue journal with a balance as of \$27,411.13 as of the end of September and voucher journal with 46 vouchers and encumbrances for September. Also, the Board reviewed a comparison chart of expenditures to date. Board members were given an estimate of costs for two out-of-state conference; FARB in February and the Conference in April.



#### Unfinished Business

Executive Director Cunningham reported that Mr. Hadley monitored the October 26-27, 2005 examinations along with Mrs. Clark, Mrs. Baugess and Ms. Wright. Mr. Hadley received per diem and reimbursement for allowable travel expenses.

Board members received the initial list of licensees that may qualify for the 50-year exemption from the Board's continuing education requirements. There were 187 names on the list, 84 of which are currently managers and/or funeral directors actually in charge of and ultimately responsible for funeral homes in the State of Ohio. More review is needed to facilitate the process.



New Business

The Board members reviewed various news articles.



The Board received a copy of a notice that the Ohio Funeral Directors Association annual convention will be held May 10-12, 2006 and May 9-11, 2007.



Executive Director Cunningham informed the Board that she, along with the help of Mrs. Baugess and Inspectors Savage and Wisby, would present a program on Best Enforcement Practices on Friday, April 8, 2006 at the Association of Executives of Funeral Service Examining Boards in Louisville, Kentucky.



Board Members received a copy of a document titled “Preneed Guaranteed/Non-Guaranteed Explanation.” Discussions of preneed will begin after January 1, 2006.



Board members received a copy of H.B. No. 382 that proposes to permit Boards of township trustees to sell cemetery-related items, with the proceeds to go to the care and maintenance of their township cemeteries.



On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board denied Ms. Cunningham’s request for vacation. Ayes: 7. Nays: 0. Motion approved.



Correspondence

1. A letter from Charles W. Eberle concerning a change of firm title. The Board accepted the change from “Eberle Funeral Home” to “Eberle-Fisher Funeral Home.” Secretary to inform Mr. Eberle that all advertisements and signage must reflect the new firm title.
2. A letter from Steven W. Thompson concerning a change of firm title. The Board accepted the change from “Hope Miller-Thompson Funeral Home, Inc.” to “Thompson Funeral Home.” Secretary to inform Mr. Thompson that all advertisements and signage must reflect the new firm title.

3. A letter from Dalene Paull, Executive Director of the International Conference of Funeral Service Examining Boards in Fayetteville, Arkansas. The letter included the new content outline for the National Board Examination, which is a result of the Task Analysis Survey, sent in 2004. The content of the NBE will reflect the new outline beginning January 2006.
4. A letter from David Gillum concerning a proposed embalming facility. Secretary to complete procedure for obtaining an embalming facility license.
5. A letter from Carol A. Volak concerning the possibility of working as a contract/trade funeral director including the sale of preneed. While funeral directors may offer their services on a temporary basis to fill-in during vacations, etc., the Board stressed that a preneed funeral contract must be sold by a funeral home.



Inspectors' Reports

From September 19, 2005 through October 14, 2005, Inspector Savage reported that he drove 1,773 miles in the counties of Ashtabula, Cuyahoga, Harrison, Lake, Mahoning, Muskingum, Ottawa, Stark, and Summit.

Crematory facility inspections	9
Funeral home inspections	71
Violations discovered	0
Investigations activities	7
Apprentices monitored	0
Hearings	3

From September 19, 2005 through October 14, 2005, Inspector Wisby drove 2,246 miles in the counties of Champaign, Clermont, Hamilton, Hardin, Logan, Mercer, Montgomery and Scioto.

Crematory facility inspections	2
Funeral home inspections	42
Violations discovered	3
Investigations activities	2

Apprentices monitored	5
Hearings	1



Continuing education

The list of continuing education programs considered by the Board during the October 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 Mr. Primm, the Board approved, and where indicated denied, the Prior Approval continuing education programs, and Individual continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Tunnell, seconded by Mr. DeJohn, the Board approved, and where indicated denied the Blanket Approval continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved, and where indicated denied Individual continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved, and where indicated denied, applications for exemption of waiver of the continuing education requirements.

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted</u>
	X	Robert E. Gay	Granted
	X	Elizabeth A. Williams	

The Board recessed at 3:12 P.M.



Wednesday October 26, 2005

The Board reconvened at 8:03 A.M. in the Board Office on the 16th Floor of the Riffe Center. President Robert L. Shank presided. Present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones, Roger Primm, Kurtis A. Tunnell, Assistant Attorney General, Anthony D. Siciliano, Inspector Frank J. Savage, Inspector Charles H. Wisby, Administrative Assistant Jennifer Baugess, Executive Director Ann Cunningham. Barbara Hadley observed the Board meeting.

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Mrs. Baugess presented the Board with proof of completion of course titled "Ethics/Values & Morality," by Frank Eric Smith as a requirement to recertify his apprenticeship. Mr. Smith has fulfilled the requirement.

The Board Members reviewed preneed report forwarded by the attorney assigned to oversee the Tate Preneed Account.

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On a motion by Mr. DeJohn, seconded by Mr. Jones, 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; Primm, Aye; Shank, Aye; Tunnell, Aye.

Mr. DeJohn left the Executive Session for a brief period of time, then returned.

The President declared the Board out of executive session.

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On a motion by Mr. Tunnell, seconded by Mr. Jones, the Board considered and closed nineteen (19) investigatory files. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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On a motion by Mr. Tunnell, seconded by Mr. DeJohn, the Board voted to rescind the charge against Vorhis Funeral Home, Inc., and Michael J. Ryan 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 4717.14(A)(4) of the Revised Code, for immoral or unprofessional conduct.

Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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On a motion by Mr. Tunnell, seconded by Mr. Hadley, to charge Carol Johnson and the Johnson Funeral Home with violation of Section 4717.14(A)(4) of the Revised Code, for immoral or unprofessional conduct specifically, for signing as a witness on a burial rights form executed outside of the funeral director/witnesses presence. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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On a motion by Mrs. Cheney, seconded by Mr. Primm, the Board meeting adjourned at 9:10A.M. Ayes: 7. Nays: 0. Motion approved.

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