

Tuesday – November 29, 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 1:04 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: 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. DeJohn, the Board approved, as amended, the minutes of the meeting held on October 25-26, 2005. Ayes: 6. Nay: 0. Motion approved.

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Director's Report

Mrs. Baugess will attend a one-day advanced training class on January 27, 2006, offered by the Reid Institute.

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The Board Members congratulated A.A.G. Zachary Dunlap for passing the bar. The Board and Staff appreciate Mr. Dunlap's work on behalf of the Board.

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It was reported that Pamela Southall-Pinkston, an apprentice, successfully completed her funeral director apprenticeship and was eligible to submit an application for an initial license. Ms. Southall-Pinkston died suddenly on November 18. The Board staff will prepare a resolution to present to the family.

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The Board discussed the hotel reservation for calendar year 2006 at the Doubletree. The Doubletree cannot provide accommodations on Tuesday night at the state rate, and will require a four-day minimum stay. Board members will talk with the hotel staff to resolve the situation.

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Ms. Cunningham reported that the Transition Team working on consolidation of twenty boards is going forward with workgroups because it must complete the assigned task of delivering the required report to the Legislature by December 31, 2005. S.B. 222 was assigned to the Senate Finance & Financial Institutions Committee. If S.B. 222 reverses the original consolidation language of H.B. 66, the boards are determined to be proactive in improving, accountability and efficiencies by using the information compiled by the Transition Team.



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.

There were no crematory facility licenses to consider for ratification after the final inspection.



On a motion by Mr. Hadley, seconded by Mr. Primm, 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>
Brown FH	Salem	Columbiana	04/06/05
James Corrigan FS	Cleveland	Cuyahoga	Leasing
Cowan & Son FH	Van Wert	Van Wert	07/18/05
Misencik FH	Avon	Lorain	11/04/96
Joseph Misencik FH	Lakewood	Cuyahoga	07/19/05
Morrow FH	Jeffersonville	Fayette	06/23/05
Morrow FH	Washington CH	Fayette	06/23/05
Schulp-Pucak FH	Akron	Summit	06/28/05
Vicchiarelli FS Inc	Lyndhurst	Cuyahoga	leasing



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

There were no funeral home licenses considered for ratification after the final inspection.



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 October 2005.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 002291	Wood-Kortright FH	Aaron Borkoski	Portage
FH 002664	Novak FH	Timothy M Novak	Franklin
FH 002388	Schaefer & Busby Danner	David A. Danner	Hamilton
FH 002720	Crosby-Edwards FH	Michael J.K. Jones	Franklin
FH 000754	F D Mason Mem FH	Geneva F. Mason	Mahoning
FH 001645	Turner FH	Bruce Lieurance	Highland
FH 000566	Davis-Turner FH	Kevin L. Brown	Highland
FH 002513	Siferd FH	Edward M. Newbery	Allen
FH 000604	Everhart-Bove FS	Daniel B. Bove, Jr.	Jefferson
FH 000603	Everhart-Bove FS	Wayne L. Everhart	Jefferson



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

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 002357	Silva FH	John D. Bokas	Summit
FH 002664	Novak FH	Robert E. Novak	Franklin
FH 002388	Schaefer & Busby Danner	David A. Danner	Hamilton
FH 000170	Lucas FH	Brad Lee Batton	Wyandot
FH 002720	Crosby-Edwards FH	Michael J. K. Jones	Franklin
FH 000754	F. D. Mason Mem FH	Geneva F. Mason	Mahoning
FH 002513	Siferd FH	Edward M. Newbery, Sr.	Allen



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

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board accepted the following individual as having met the licensure requirements, and issued an embalmer and funeral director license numbers. Ayes: 7. Nays: 0. Motion approved.

<u>Applicant</u>	<u>Embalmer license No.</u>	<u>Funeral Directors License No.</u>

Jennica E. Cunningham	9170 A	9129
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The following individuals qualified and were issued registration numbers during the month of October 2005.

Name	Embalmer No.	Funeral Director No.	Date registered
Andrew L. Dodds	E 0124 06	F 0187 06	10/03/05
Thomas V. Conway		F 0188 06	10/13/05
Joseph S. Kelsch		F 0189 06	10/20/05
Ashlie K. Molner		F 0190 06	10/20/05
Beth A. Watkins	E 1025 06	F 0191 06	10/20/05
Jay J. Foster	E 0126 06	F 0192 06	10/31/05



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

<u>Name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Thomas V. Conway	FD	Busch FH 7501 Ridge Rd Parma
Andrew L. Dodds	EMB/FD	Sweeney-Dodds FH 129 N Lisbon St Carrollton
Amy E. Wappner	EMB/FD	Wappner FD 98 S Diamond St Mansfield
Beth A. Watkins	EMB/FD	Schneider-Griffin FH 313 Big Branch Rd Chesapeake



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	99	175
Quarterly Master Reports	16	28
Board Interviews	5	8



The Board reviewed the grades of the Ohio laws examinations, the Sanitation and the Funeral Service Arts and Science examinations written October 26-27, 2005. Motion by Mr. Hadley, seconded by Mr. DeJohn, 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. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye. Motion approved. A list of applicants, their scores, and license numbers will be entered into the journal.



Fiscal

Ms. Wright presented the fiscal report to the Board. Board Members reviewed the revenue journal with a balance as of \$30,276.13 as of the end of October and voucher journal with 49 vouchers and encumbrances for October. Also, the Board reviewed a comparison chart of expenditures to date.



Unfinished Business

Board Members received a copy of a letter, dated November 16, 2005, written by Pamela J. Grandon, Attorney Examiner of the Department of Commerce, Division of Financial Institutions regarding the authorization of specific trusts in which money paid on a preneed funeral contract



Board Members received a copy of a notice to all licensees posted on the Board's website regarding the recently activated Electronic Death Registration System offered by the Department of Health, Office of Vital Statistics. EDRS incorrectly instructed licensees to contact the Board of Embalmers and Funeral Directors, instead of the Office of Vital Statistics.



The Board determined that a continuing education program titled "Wage and Hour Compliance for Employers" offered by the National Funeral Directors Association, is not a correspondence course. NFDA failed to include participant interaction in the course description.



The Board discussed legislation introduced to define the right of disposition. Board Members identified the following areas of concern; definition of terms or reference to Chapter 4717 of the Revised Code, a later executed preneed agreement used to override the right of disposition, but the preneed is not formalized in the same manner as a right of

disposition, addition of legal costs to funeral bill that may not be on a General Price List, Board's authority to take disciplinary action.



New Business

The Board members reviewed various news articles.



Correspondence

1. A letter from Robert J. Wasko requesting permission to continue the operation of the Wasko Funeral Home, Inc. after the death of his father, John J. Wasko on September 7, 2005. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved Mr. Wasko's request to operate until September 7, 2006.
2. An email from Don Ferfolia thanking Mr. Hadley, Mr. Siciliano, Mr. Dunlap, Mrs. Baugess, and Ms. Cunningham for their presentations at the Ohio Funeral Directors Association Apprentice Seminar.
3. A letter from Dalene Paull, Executive Director of the International Conference of Funeral Service Examining Boards in Fayetteville, Arkansas. The letter included the 2006 budget that was adopted by the Board of Directors at the October meeting.
4. A letter from Jim Petro, Ohio Attorney General announcing a new initiative, Antitrust Review Program available to state agencies. The Board declined the offer because the Board has little or no contact with the competitive bidding for state contracts.
5. A letter from Melissa Severn requesting permission to take the required examinations before the scheduled date. The Board Member denied the request. Secretary to inform Ms. Severn that examinations are offered four times in a calendar year.



Committee Reports

The Apprenticeship Committee met at 8:00 A.M. before the Board meeting to discuss examinations and master training. Mr. Hadley reported on the computer-based testing available from the International Conference of Funeral Service Examining Boards. The report included the Conference's procedure for Conditional Certification, time period,

application and fee, website information, and the testing company, Applied Measurement Professionals, Inc. On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board approved the proposal to initiate computer-based testing for the Funeral Service Arts and Science examinations. Ayes: 7. Nays: 0. Motion approved. The committee and Board staff need to final the contract with the Conference, and bring the contract to the Board Members for approval, after it is confirmed to be in compliance with Ohio Law.

Mr. Hadley reported on the master training program mandated by the Board's law and rule. Six hours of training was identified by the committee, and approved by the Board on a motion by Mr. Tunnell, seconded by Mr. Primm. Ayes: 7. Nays: 0. The committee and Board staff are to prepare instructional material for continuing education sponsors.



The Continuing Education Committee met at 11:00 A.M. before for the Board meeting to review continuing education applications for approval. In addition, the committee discussed updating instructions to include the new Friday deadline for submission of applications, and decided the content of the application for a 50-year exemption application. The committee requested that email addresses to collected on all forms used by the Board.



The Staff Committee met on Monday, November 28, 2005 at 2:00 P.M. in the Board's office. Committee member reviewed the updated position descriptions for the Board Members and Staff, which are mandated by the Department of Administrative Services on a five-year cycle.

Based on committee recommendation, the Board approved a motion by Mr. DeJohn, seconded by Mr. Hadley, to create a position titled Administration Assistant 2. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Based on committee recommendation, the Board approved a motion by Mr. Hadley, seconded Mr. DeJohn, to research and evaluate the possible reclassification of the

Embalmer/Funeral Facility Inspector after January 1, 2006. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Based on committee recommendation, the Board approved a motion by Mr. DeJohn, seconded by Mr. Hadley, to upgrade the job position Board/Commission Secretary 1 to Board/Commission Secretary 2. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Based on committee recommendation, the Board approved a motion by Mr. Primm, seconded by Mr. Hadley, to upgrade the existing unfilled job position titled Secretary. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.



Inspectors' Reports

From October 17, 2005 through November 25, 2005, Inspector Savage reported that he drove 2,427 miles in the counties of Crawford, Cuyahoga, Geauga, Huron, Lorain, Mahoning, Medina, Portage, Richland, Stark, Wayne, and Wyandot.

Crematory facility inspections	6
Funeral home inspections	82
Violations discovered	0
Investigations activities	4
Apprentices monitored	0
Hearings	1

From October 17, 2005 through November 25, 2005, Inspector Wisby drove 3,898 miles in the counties of Champaign, Franklin, Hamilton, Henry, Jackson, Logan, Madison, Montgomery, Perry, Scioto, and Union.

Crematory facility inspections	3
Funeral home inspections	53
Violations discovered	1
Investigations activities	6

Apprentices monitored	2
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Mr. Wisby reported the interment of cremated remains from the closed Hawthorne-Bowels Funeral Home locate in Mt. Healthy. Twenty-two unclaimed cremated remains were put to rest at the Arlington Memorial Garden Cemetery in Mt. Healthy with the cooperation of Inspector Wisby; Chief Al Schaefer and Detective Jeff Armentrout Mt. Healthy Police Department; The Reverend Michael Doerr, Mt. Healthy Christian Church; Father William Kennedy, Church of Assumption; Brent Cunningham, Cunningham Funeral Home; Sean M. Gillen, Neidhard-Gillen Funeral Home; Paul Young, III, Paul R. Young Funeral Home; Brian Bell, Bell Vault Company, Daniel G. Applegate, Arlington Memorial Gardens;



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

The President declared the Board out of executive session.



On a motion by Mr. Tunnell, seconded by Mr. DeJohn, the Board considered and closed two (2) investigatory files. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.



On a motion by Mr. Tunnell, seconded by Mr. DeJohn, the Board voted to charge Curtis Robinson and the Bissler Funeral Home with violation of Section 4717.14(A)(4) of the Revised Code, immoral or unprofessional conduct; specially for Mr. Robinson being visibly intoxicated while making the removal of a body from a residence. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.



On a motion by Mr. DeJohn, seconded by Mrs. Cheney, to charge Richard Humphrey and the J. E. Humphrey Funeral Home with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct, specifically for failure to comply with requirements of Section 1111.19 of the Revised Code by not depositing payments for the preneed contract of Helen Manring with thirty days with the designated trustee. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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The Board recessed at 4:42 P.M.

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Wednesday November 30, 2005

The Board reconvened at 8:04 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, Assistant Attorney General, Zachary Dunlap, 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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Board Members requested and received copies of the materials distributed during the OFDA Apprentice Seminar and a copy of Section 5101.52.1 of the Revised Code concerning indigent burials.

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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; Primm, Aye; Shank, Aye; Tunnell, Aye.

The President declared the Board out of executive session.

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Continuing education

The list of continuing education programs considered by the Board during the November 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. Primm, seconded by Mr. Hadley, 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. Primm, seconded by Mrs. Cheney, the Board approved, and where indicated denied the Blanket Approval continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Primm, seconded by Mr. Jones, 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 Mr. Tunnell, 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	Alan K. Miller	Granted
	X	Melissa B Pratt-Alexander	Granted



Having discussed the hotel room reservations with the staff of the Doubletree, the Board decided to change the meeting schedule for calendar year 2006. On a motion by Mr. Tunnell, seconded by Mr. Primm, the Board will meet on Monday afternoon and Tuesday morning, necessitating a room reservations for Monday night. Ayes: 7. Nays: 0. Motion approved.



On a motion by Mrs. Cheney, seconded by Mr. Primm, the Board meeting adjourned at 9:12A.M. Ayes: 7. Nays: 0. Motion approved.

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