

Tuesday – March 29, 2005

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. President, David B. Tobias called the meeting to order at 1:06 P.M. Other Board members present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones, Robert L. Shank, 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.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved the minutes of the discussion held on February 22, 2005. Ayes: 7. Nay: 0. Motion approved.



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.



The Executive Director informed the Board Members that the biennial audit of the Board by the Auditor of State was under way, and they would be kept apprised of the audit.



The Board was reminded that Inspector Wisby, Mr. Casper, and Mr. Siciliano, A.A.G. presented a power point program to the Funeral Directors Association of Northwestern Ohio on March 21. The Board office received telephone calls from licensees expressing their appreciation for the informative program.



Mrs. Cheney and Mr. Shank, along with Ms. Cunningham, Mr. Casper and Inspector Savage attended the Ohio Funeral Directors Association Legislative Reception on March 15. The Board members were paid per diem and will receive allowable travel expense reimbursement.



Mr. Jones will attend the annual convention of the International Conference of Funeral Service Examining Board in Northwest Arkansas on April 8-9-10, 2005. Mr. Jones and Mr. DeJohn will receive per diem and allowable travel expense reimbursement.



Ms. Cunningham gave the Board copies of an article concerning a South Dakota bill limiting access to Death Certificates. This legislation is a result of the National Intelligence Reform Act of 2004 that mandates all states to enact some form of records protection in the next two to five years.



Board Members were asked to remind apprentices, during interviews, that the Board office distributes to apprentices references for study to prepare for the Board’s examinations.



The Executive Director informed the Board that according to the Governor’s Office, three executive directors would be appointed to the Consolidation Task Force, if the legislation enacted as part of House Bill 55.



On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to reimburse Mr. Siciliano \$199.00, the cost of registration for the Federal Administrative Law Institute: Making Agency Law Through Rulemaking Seminar in Washington D.C., April 5-8, 2005. Ayes: 7. Nays: 0. Motion approved.



Unfinished Business

Board members received copies of the Board’s website, including calendar, Board member names, city, and term expiration dates, continuing education information and the CE #2. In addition, a newly designed list of approved programs appears on the website.



The Board designated Mr. Hadley to monitor the examinations on April 27-27, 2005. Mrs. Clark and Mr. Casper will assist him.



In addition to Board personnel, Mr. Shank and Mr. Hadley will staff the Board’s booth at the Ohio Funeral Directors Association annual convention on April 13-14-15, 2005. Mr. Shank and Mr. Hadley will be paid per diem and reimbursed for allowable travel expenses.



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.



On a motion by Mr. Tunnell, seconded by Mr. Hadley, 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. Ayes: 7. Nays: 0. Motion approved.

<u>License No.</u>	<u>Crematory Facility</u>	<u>Location</u>	<u>Final Inspection</u>
CR 000086	Wonderly-Horvath	Fremont	02/07/05



On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved the following applications for funeral home license. Ayes: 6. Nays: 0. Abstain: 1.

<u>Firm Title</u>	<u>Address</u>	<u>County</u>	<u>Inspection</u>
Blanchard Bros FH	Toledo	Lucas	02/16/05
Brickman Bros FH Inc	Wickliffe	Lake	02/24/05
Clegg-Abele FH	Toledo	Lucas	02/01/05
Crouse-Kauber-Sammons FH	Johnstown	Licking	10/20/04
Foos & Sons FH	Bellevue	Huron	02/07/05
Foos-Klein FH	Clyde	Sandusky	02/07/05
Given-Dawson FH	Coshocton	Coshocton	12/01/04
Given-Dawson FH	West Lafayette	Coshocton	12/01/04
Harris FH	Bellevue	Sandusky	04/14/04
Heitger FH	Massillon	Stark	02/07/05
Heitmeyer FH	Leipsic	Putnam	10/26/04
Hoeflinger FH	Oregon	Lucas	02/15/05
Kauber-Miller FH	Pataskala	Licking	10/20/04
Keller-Ochs-Koch FH	Fremont	Sandusky	02/07/05
Lindsey Kocher FS	Willard	Huron	11/22/04
Lindsey-Foos Kocher FS	Attica	Seneca	11/22/04
Neville FH	Toledo	Lucas	03/23/05

Neville FH	Holland	Lucas	05/25/04
Scott FH	Cambridge	Guernsey	09/01/04
Sibley- Murray	Alliance	Stark	3/11/05
Strabler FH	Toledo	Lucas	02/16/05
Webb Noonan FH	Hamilton	Butler	02/11/05
Witzler-Shank FH	Walbridge	Wood	02/01/05
Witzler-Shank FH	Perrysburg	Wood	02/01/05

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

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On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved the issuance of a funeral home license **after** approval of the application, receipt of the occupancy permit and the final inspection.

License #	Funeral Home	Location	Final Inspection
FH	Armentrout FH	Waynesfield	02/05/05

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

<u>I. D. #</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
43-00-2108	Haltzman-Fett & Dyer FH	Christopher W Kemmerer	Fairfield
43-00-2129	Fisher-Edington FH	Brian R James	Clinton
43-00-2538	H H Birkenkamp FH	Susan J. Burkenkamp	Lucas
43-00-2439	Brickman & Sons Inc FH	Jeffrey N DiDonato	Cuyahoga
43-00-2437	Newcomer Funeral Home	Robert Gonzales	Franklin
43-00-0832	The Morris Sons Company	Lora J Morris	Montgomery
43-00-1626	Kirila Funeral Home Inc	Anthony J Quahliero, Jr	Mahoning

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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 February 2005.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
43-00-2108	Haltzman-Fett & Dyer FH	James N Dyer	Fairfield
43-00-2439	Brickman & Sons Inc FH	Jeffrey N DiDonato	Cuyahoga
43-00-2437	Newcomer Funeral Home	Robert H Gonzales	Franklin
43-00-2420	Newcomer Funeral Home	Robert H Gonzales	Summit
43-00-2460	Newcomer Funeral Home	Robert H Gonzales	Montgomery

43-00-2454	Newcomer Funeral Home	Robert H Gonzales	Lucas
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On a motion by Mr. Tunnell, seconded by Mr. Shank the Board issued licenses to the following individuals who met the licensure requirements for embalmer and/or funeral director. Ayes: 7. Nays: 0. Motion approved.

<u>First name/initial</u>	<u>Last name</u>	<u>Embalmer License #</u>	<u>Funeral Director License #</u>
Ward W.	Colson	9131 A	9067
Matthew J.	Eley	9132 A	9068
Kylee N.	Ensminger	9133 A	9069
Adam P.	Glenn	9134 A	9070
Melanie L.	Hulst	9135 A	9071
Roger L.	McCumbers	9136 A	9072
Rebekah A.	Manofsky		9073
Barbara L.	Mattis		9074
Julius M.	Moore		9075
Jason R.	Sandon	9137 A	9076
Tambra L.	Sargent	9138 A	9077
Anthony P.	Skunka	9139 A	9078
Andrew M.	Waite	9140 A	9079
Ericca G.	Workman		9080
Diane E.	Wright	9141 A	9081



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

<u>First Name</u>	<u>Last Name</u>	<u>Embalmer Number</u>	<u>Funeral Director Number</u>	<u>Date Registered</u>
Michael G.	Arconti	E 0093 05	F 0136 05	02/07/05
Kevin M.	Coyne		F 0137 05	02/07/05
Julie M.	Jameson	E 0094 05	F 0138 05	02/07/05
Catherine R.	Thompson	E 0095 05	F 0139 05	02/17/05



The following individual certified an apprenticeship during the month of February 2005.

<u>First name/initial</u>	<u>Last name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Chad A	McGreevey	FD	Zeis-McGreevey FH 16105 Detroit Ave Lakewood OH 44107



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	31	87
Quarterly Master Reports	5	14
Board Interviews	0	5

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The Board members reviewed various news articles.

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The Board Members received a copy of the Ohio Funeral Directors Association Legislative Update from the March 15 reception.

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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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Person Before the Board

Jerry Gardner of Elite Continuing Education and Daniel Massey, attorney, appeared before the Board to present the option of allowing licensees to complete all required continuing education hours by correspondence/home study. Mr. Gardner gave the Board Members of booklet containing the names of eleven states that allow licensees to acquire all hours by correspondence, typical comments form funeral directors in the eleven states, charts measuring satisfaction with the correspondence courses. On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to continue with the current Rule 4717-1-23(G) O.A.C that permits one half of all continuing education hours fulfilled through courses, programs and other continuing education activities provided by correspondence because the licensees have interaction with other licensees. Ayes: 7. Nays: 0. Motion approved.

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Corey N. Belaney, reciprocal applicant from Maryland, appeared before the Board to answer questions concerning his application. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved Mr. Belaney's application, and directed him to take the April Ohio Laws examination. Ayes: 7. Nays: 0. Motion approved.



The Apprenticeship Committee reported success with reviewing questions for the Ohio Laws Examination. Mr. DeJohn, Mr. Tobias, and Mr. Jones, substituting for Mr. Hadley, met at 10:00 A.M. prior to the Board meeting. The Continuing Education Committee will meet on Tuesday, April 26 prior to the April meeting to review applications for continuing education programs.



Correspondence

1. A letter from Tim and Ronda Werner, Werner Funeral Services, announcing the closing of Werner Funeral Services located at 885 Ashland Road in Mansfield. The Werners will submit the display license and a clearly enumerated list of all preneed.
2. A letter from Clarence E. Carter requesting the addition of "Inc." to the Carter Funeral Home firm title. The Board approved Mr. Carter's request.
3. A letter from F. Harriett Townsend announcing the closing of the A.L. Townsend-Jones Brothers Funeral Home in Dayton. Secretary to request return of the display license and a clearly enumerated list of all preneed.
4. A letter from Howard N. Riggs announcing the closing of Burger Mortuary Service, Inc. leasing space from Craver-Riggs Funeral Home in Milford. The display license was returned, but Secretary will request clearly enumerated list of preneed.
5. A letter from Shannon L. Kent of Boulder, Colorado, requesting consideration of granting him a reciprocal license based upon prior experience and accomplishments in the profession. Mr. Kent does not have a Bachelor's Degree. Secretary to inform Mr. Kent that a Bachelor's Degree is one of the mandatory requirements of Ohio Law, and therefore he does not qualify to apply.

- 6. A letter from William P. Rutherford announcing the merging of the Rutherford-Glen L. Myers Funeral Home with the Rutherford Funeral Home. Secretary to request the return of the display license and a clearly enumerated list of preneed.
- 7. A letter from Patrick F. Mahoney announcing the closing of the Bodnar-Mahoney Funeral Home located on Center Ridge Road in Westlake. Secretary to request return of the display license and a clearly enumerated list of preneed.



Inspectors' Reports

From February 6, 2005 through March 18, 2005, Inspector Savage reported that he drove 2,710 miles in the counties of Columbiana, Cuyahoga, Huron, Jefferson, Medina, Sandusky, Stark, Summit, Trumbull, and Washington. He inspected 2 crematory facilities, 75 funeral homes, and found three violations, conducted 6 investigations, and monitored no apprentices.

From February 6, 2005 through March 18, 2005, Inspector Wisby drove 3,840 miles in the counties of Brown, Butler, Franklin, Hamilton, Highland, Lucas, Montgomery, Preble, Putnam, Warren, and Wood. He inspected 4 crematory facilities, and 105 funeral homes, and found ten violations, conducted 4 investigations, and monitored five apprentices.

Inspector Wisby reported that McNabb Funeral Home was in compliance. On a motion by Mr. Tunnell, seconded by Mr. Shank, the Board rescinded the February 22, 2005 order to Ronald McNabb to cease business operations at his current location. Roll Call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



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; Tobias,,
Aye; Tunnell, Aye.

The President declared the Board out of executive session.



On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board considered and closed sixteen (16) investigatory files. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



On a motion by: Mr. Hadley, seconded by: Mrs. Cheney, the Board voted to rescind charges against Willard R. Mills, Jr. for a violation of Section 4717.14 (A) (4) of the Revised Code, for Unprofessional Conduct; specifically for failure to comply with the requirements of Section 1111.19 (C) of the Revised Code, to deposit payments for the preneed contracts of Marista and Donald Fuscia within thirty days with the designated trustee. In the Board meeting of June 16, 2004, the Board had voted to charge funeral director license #7114 with the above charges. This funeral director license number was incorrect. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



On a motion by: Mr. Hadley, seconded by: Mr. DeJohn, the Board voted to charge Willard R. Mills and the McClave-Chandler-Mills Funeral Home with violation of Section 4717.14 (A) (4) of the Revised Code, for Unprofessional Conduct; specifically for failure to comply with the requirements of Section 1111.19 (C) of the Revised Code, to deposit payments for the preneed contracts of Marista and Donald Fuscia within thirty days with the designated trustee. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



On a motion by: Mr. Shank, seconded by: Mr. DeJohn, the Board voted to charge Michael A. Czup with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct; Specifically, for the improper deposits of 23 checks for

insurance (Forethought) payments for Ernestine Eastlick. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



In response to an apprentice's own admission to forging doctors' signatures on three death certificates, the Board voted to terminate Frank Eric Smith's current embalmer and funeral director apprenticeships until he completes a college level ethics course that meets the Board's prior approval. The course must be one quarter or one semester in length. Upon Mr. Smith earning a grade of C or higher and providing the Board with a certified college transcript as proof of completion, Mr. Smith will be permitted to recertify his embalmer and funeral director apprenticeship and serve both apprenticeships for the full twelve months. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



On a motion by Mr. DeJohn, seconded by Mr. Shank, the Board voted to charge Rodney Ray Galloway, master embalmer and master funeral director of apprentice Frank Eric Smith and funeral director actually in charge of and ultimately responsible for the Schmidt-Dhonau Funeral Home; Schmidt-Dhonau Funeral Home; Andrew Kucner, funeral director actually in charge of and ultimately responsible for the Schmidt-Dhonau Funeral Home; and Schmidt-Dhonau Funeral Home, with violation of Section 4717.14(A)(4) of the Ohio Revised Code, unprofessional conduct, specifically for lack of supervision of apprentice Frank Eric Smith, resulting in the forgery of doctors' signatures on three death certificates. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



Fiscal

The Board reviewed the revenue journal with a balance as of \$689,885.00 as of the end of February, the balance is a result of the biennial renewal, and voucher journal with 43 vouchers and encumbrances for February. Also, the Board reviewed a comparison chart of expenditures to date.

The Board received a copy of an agenda for the Senate Finance Committee, which outlines the Committees’ hearings on House Bill 66, Budget for Fiscal 2006 and 2007. The Executive Director will testify before the Committee on April 19, 2005.



The Board recessed at 4:47 P.M.



Wednesday March 30, 2005

The Board reconvened at 8:10 A.M. in the Boardroom on the 31st Floor of the Riffe Center. President David B. Tobias presided. Present were: Virginia S. Cheney, Ross C. DeJohn, Pernel Jones, Robert L Shank, Kurtis A. Tunnell, Inspector Frank J. Savage, Inspector Charles H. Wisby, Administrative Assistant Cameron R. Casper, Executive Director Ann Cunningham.



On a motion by Mr. DeJohn, seconded by Mr. Tunnell, the Board approved a flextime policy for office employees. All employees are expected to work a forty-hour week, Monday through Friday between 7:30 A.M. and 5:00 P.M., however in the event of convention, meeting, and/or seminars, employees may flex the forty-hour week. The Board’s Secretary-Treasurer will approve flextime for the Executive Director, and the Executive Director has discretion over the Board staff. Ayes: 6. Nays: 0. Motion approved.



Continuing education

The list of continuing education programs considered by the Board during the March 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. Shank, 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. Tunnell, 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. Tunnell, seconded by Mrs. Cheney, the Board approved, and where indicated denied, the following Individual Approval continuing education programs. Ayes: 6. Nays: 0 Motion approved

Motion by Mr. Tunnell, seconded by Mr. DeJohn, Board voted that in order for a program held within the State of Ohio, to be considered for continuing education credit, the sponsor and/or licensee must submit the application for approval of continuing education activity, Form CE#2, prior to the last Friday preceding Board meeting. Ayes: 6. Nays: 0. Motion approved. Secretary to prepare notice to Sponsors.

On a motion by Mrs. Cheney, 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		Perkins III, Kenneth E.	Granted

On a motion by Mr. DeJohn, seconded by Mr. Jones, 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		Marsco, John D.	Granted
X		Turner, Stanley M.	Granted



On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board meeting adjourned at 8:47 A.M. Ayes: 6. Nays: 0. Motion approved.

