

Monday – July 17, 2006

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. President, Robert L. Shank, Sr., called the meeting to order at 1:02 P.M. Other Board members present were: Virginia S. Cheney, Ross C. DeJohn, Sr., John J. Hadley, Pernel Jones, and Roger Primm. Also, present were: Zachary Dunlap, Assistant Attorney General, Inspector, 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.



On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on May 15-16, 2006. Ayes: 6. Nay: 0. Motion approved.

Reorganization

Mr. Hadley nominated Mr. DeJohn for President, seconded by Mr. Primm, Mr. Hadley nominated Mr. Jones for Vice-President, seconded by Mr. Primm. Mr. DeJohn nominated Mr. Hadley for Secretary-Treasurer, seconded by Mr. Primm. There being no further nominations, Mr. Primm moved that the nominations be closed, seconded by Mr. Jones. On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board cast a unanimous ballot for the nominees. Ayes: 6. Nays: 0. Motion approved.

Newly elected President DeJohn appointed the Board Members to the following committees:

Crematory Review Board: Mr. DeJohn, Mr. Hadley, and Mr. Shank
Apprenticeship: Mr. DeJohn, Mr. Hadley, and Mr. Jones
Continuing Education: Mr. Hadley, Mr. Primm and Mr. Shank
Preneed: Mr. DeJohn, Mr. Jones, and Mr. Primm
Staff: Mr. DeJohn, Mr. Jones and Mr. Shank



Director's Report

Ms. Cunningham reported that the Governor signed Am. Sub. House Bill 426, Right of Disposition, on July 11, 2006, and the law will be effective in ninety days.

On July 5, 2006, Ms. Cunningham attended at meeting at the Ohio department of Health, Office of Vital Statistics concerning the Electronic Death Registration System. Beginning January 2007, all death certificates must be entered electronically. The Office of Vital Statistics will conduct numerous training sessions throughout the State of Ohio.

Ms. Cunningham distributed to the Board Members a copy of an email from the Ohio Embalmer's Association to the Department of Taxation, in response to the proposed draft of Rule 5703-9-32 Sales & Use Tax for the funeral profession.

Board Members received a copy of the recently released Ohio's Occupational Licensing and Regulatory Boards, Annual Report for Fiscal Year 2005.

Ms. Cunningham reported that copies of the proposed Preneed amendments to current rules were sent to the Buckeye State Funeral Directors and Mortician Association, the Ohio Embalmers Association and the Ohio Funeral Directors Association. The Board office is preparing the contract with Attorney Lance Chapin to file the rules electronically.

Board Members received a copy of the Board's COOP Pandemic Plan filed with the Governor's Office

Board Members received a copy of the minutes of the Association of Executives of Funeral Service Boards meeting in Louisville, Kentucky held April 7, 2006.

Ms. Cunningham informed the Board that the Budget Request for Fiscal Years 2008-2009 was in the initial stage, and that an appeal would be filed before August 1, 2006. The final request is due October 1, 2006. Board Members will be asked to participate in the preparation.

Board Members received a copy of the fringe payroll costs for Fiscal Year 2007.

Board Members received a copy of the updated Application for Approval of Continuing Education Activity, Form CE#2, along with instructions that were mailed to all sponsors and posted on the Board's website.

Mr. Hadley will monitor the examination on July 26, 2006. Also, Mr. Hadley will represent the Board at the October 5, 2006 OFDA Apprenticeship Seminar.

The Board Members reviewed various newspaper articles related to the funeral profession.

Licensure

There were no applications for crematory facility license submitted for Board consideration.

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

There were no crematory facilities issued licenses after approval of the application, receipt of the occupancy permit, and the final inspection.

There were no applications for Embalming Facility license.

There were no applications for Embalming Facility license pending receipt of the occupancy permit and final inspection by the Board.

Previously, the Board approved the issuance of an Embalming Facility license to the following after approval of the application, receipt of the occupancy permit, and the final

inspection. The Embalming Facility license no. was issued the date of the final inspection.

<u>License No.</u>	<u>Embalming Facility</u>	<u>Location</u>	<u>Final Inspection</u>
EFAC-00-0001	Cincinnati Mortuary Scv	Cincinnati	07/14/06

On a motion by Mr. Hadley, seconded by Mr. Shank, 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>
Swick-Bussa & Chamberlin FH	Wheelersburg	Scioto	05/08/06
Wright FH	Liberty Center	Henry	11/08/05
Wright FH	Grand Rapids	Wood	02/06/06

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following applications for funeral home license pending receipt of the occupancy permit and final inspection by the Board. Ayes: 6. Nays: 0. Motion approved

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Lambert-Tatman FH	Belpre	Washington
Shoffstall FH	Lakeview	Logan

There were no funeral home licenses considered for ratification after receipt of the occupancy permit and the final inspection.



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

There were no individuals who met the licensure requirements and therefore the Board did not issue embalmer or funeral director license numbers.

The following individuals qualified and were issued registration numbers during the month of June 2006.

<u>First Name</u>	<u>Last Name</u>	<u>Embalmer Number</u>	<u>Funeral Director Number</u>	<u>Date Registered</u>
Gregory E.	Andrews, Sr.	0158 06	0237 06	06/27/06
Dustin P.	Baker	0159 06	0238 06	06/27/06
Brian D.	Barnett		0239 06	06/27/06
Steven E.	Butler	0160 06	0240 06	06/27/06
Nancy K.	Castellucci		0241 06	06/27/06
Rachel S.	Chambers	0161 06	0242 06	06/27/06
Leonard A.	Gessler		0243 06	06/27/06
Jeffrey L.	Hartmann	0162 06	0244 06	06/27/06
Chad C.	Hine	0163 06	0245 06	06/27/06
John W.	Hodapp III	0164 06	0246 06	06/27/06
Matthew A.	Picklesimer	0165 06	0247 06	06/27/06
Mark S.	Schnell	0166 06	0248 06	06/27/06
William L.	Smith	0167 06	0249 06	06/27/06

Sean W.	Snyder	0168 06	0250 06	06/27/06
Joshua H.	Tidd	0169 06	0251 06	06/27/06
Heather M.	Webb	0170 06	0252 06	06/27/06

The following individuals certified an apprenticeship during the month of June 2006.

<u>First name</u>	<u>Last name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Lillian M.	McDougald	FD	H M Martin FS Inc 3856 East 131 st St Cleveland
Marie E.	McGrath	FD	John J Riczo FH Inc 7462 State Rd Parma

The Board office received and processed the following reports during the month of June 2006:

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	134	201
Quarterly Master Reports	22	33
Board Interviews	74	6

Licensure Issue 1 – The Board reviewed a request from Marie E. McGrath a funeral director apprentice, concerning part-time employment while she serves her apprenticeship. On motion by Mr. Hadley, seconded by Mr. Shank, the Board approved Ms. McGrath’s request to work no more than twenty hours part time outside her full-time apprenticeship Ayes: 6. 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 \$92,909.38 as of the end of June and Fiscal Year 2006, and voucher journal with 59 vouchers and encumbrances for June. Also, the Board reviewed a comparison chart of expenditures to date. In addition, Board Members received a copy of a memorandum from Timothy S. Keen, Director of the Office of Budget and Management, which explained the in-state travel increase from \$75.00 to \$80.00 per night.

Committee Reports

The Continuing Education Committee met at 10:30 A.M. before for the Board meeting to review continuing education applications for approval.



The Preneed Committee met at 11:00 A.M. before the Board meeting to discuss long-range plans for preneed. Mr. Primm reported the committee plans to work on changes to the current law, and report to the Board in October, and then prepare the Board’s problems and possible solutions for December. The committee hopes to meet with other state agencies involved with preneed and the elderly, and together the state agencies will

hold discussions with the professional associations and consumer groups to develop one plan for preneed in Ohio. It is a tremendous obligation on a small board, and the committee members look forward to a resolution to the situation that benefits consumers and the funeral profession.

Inspectors' Reports

From June 11, 2006 through July 8, 2006, Inspector Savage drove 1,256 miles in the counties of Ashland, Cuyahoga, Guernsey, Huron, Mahoning, Morrow, Richland, Stark, and Tuscarawas.

Crematory facility inspections	9
Embalming Facility inspections	0
Funeral home inspections	67
Violations discovered	0
Investigations activities	9
Apprentices monitored	1
Hearings	0

From June 11, 2006 through July 8, 2006, Inspector Wisby drove 2,474 miles in the counties of Athens, Auglaize, Hamilton, Jackson, Mercer, Preble, Shelby, and Union.

Crematory facility inspections	0
Embalming Facility inspections	2
Funeral home inspections	36
Violations discovered	1
Investigations activities	1
Apprentices monitored	0
Hearings	0



Compliance

Mrs. Baugess presented information concerning amendments filed with the Board office during June.

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 2006.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 001028	Bacher FH	Eric J. Bacher	Summit (77)
FH 001526	Bacher FH	Eric J. Bacher	Summit (77)
FH 001031	Billow Co. Fairlawn Chapel	Charles M. Billow	Summit (77)
FH 001029	Billow Co. Falls Chapel	Charles M. Billow	Summit (77)
FH 001030	Billow Co. Lakes Chapel	Charles M. Billow	Summit (77)
FH 001580	C.D. White FH	Robert C. Carter	Franklin (25)

FH 000887	Chute-Wiley FH	Patricia A. Wiley	Perry (64)
FH 000206	Ferfolia FH	Mary Ferfolia Lansky	Cuyahoga (18)
FH 001839	Ferfolia FH	Donald B. Ferfolia	Summit (77)
FH 000856	Gompf FS	Gene L. Gompf	Morrow (59)
FH 000656	Henderson-Van Atta FH	Roy A. Van Atta	Licking (45)
FH 001586	Henderson-Van Atta FH	Roy A. Van Atta	Licking (45)
FH 002585	Jamison & Jamison FH	Donald H. Jordan	Hamilton (31)
FH 002586	Jamison & Jamison FH	Donald H. Jordan	Hamilton (31)

FH 002390	Mast-Mock-Hoffman FH	Hal Hanenkrath	Defiance (20)
FH 002390	Mast-Mock-Hoffman FH	Daniel J. Schaffer	Defiance (20)
FH 002390	Mast-Mock-Hoffman FH	Don E. Clevenger	Defiance (20)
FH 002530	Schmidt Dhonau FH	Rodney Galloway	Hamilton (31)
FH 001509	Trostel Chapman FH	Larry C. Fraley	Clark (12)

The following funeral homes submitted amendments to change the manager of the funeral home for the month of June 2006.

<u>I. D. #</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
FH 002590	Blaschalk-Wilson FH	Allan G. Ketzell	Jefferson (41)
FH 001580	C.D. White FH	Benjamin F. White, Jr.	Franklin (25)
FH 002490	David G. Martens & Son	Ronald F. Hulec	Cuyahoga (18)
FH 000206	Ferfolia FH	Mary Ferfolia Lansky	Cuyahoga (18)
FH 000856	Gompf FS	Gene L. Gompf	Morrow (59)
FH 002535	J.E. Foster FH	Clint A. Barr	Jefferson (41)
FH 002585	Jamison & Jamison FH	Donald H. Jordan	Hamilton (31)
FH 002390	Mast-Mock-Hoffman FH	Hal Hanenkrath	Defiance (20)
FH 002390	Mast-Mock-Hoffman FH	Daniel J. Schaffer	Defiance (20)
FH 002390	Mast-Mock-Hoffman FH	Don E. Clevenger	Defiance (20)
FH 002508	Nurre-Mihovk-Rosenacker	Karen Rosenacker Mihovk	Hamilton (31)
FH 001031	The Billow Co. Fairlawn C	Charles M. Billow	Summit (77)
FH 002783	Walker FH	Deborah J. Weaver	Hamilton (31)
FH 001553	Wilson FH	Jason H. Wilson	Jefferson (41)

Mrs. Baugess presented the following complaints for Board consideration:

#0602101 – unprofessional conduct

The complaint alleges that the deceased was delivered to the church in a filthy van. Based on comments from others, the consumer filing complaint did not see the van. Funeral Home provided photos of livery service vans, and a weather report for the time in question confirming that there was approximately ten inches of snow on the ground.

#0606148 – unlicensed

Board received a copy of an article from the Cleveland Plain Dealer stating that an unlicensed person "works with individuals and families to make arrangements in the event of their death, from selecting cemetery space to funeral arrangements". The funeral home stated that the person is an insurance agent employed to sell insurance while a funeral director sells the funeral service.

#0609054 – preneed

A funeral home owner licensed as a funeral director died in 2003, and prior to his death, he handled the preneed funds. The funeral director employed since the death discovered shortages of preneed funds. He reported his findings to the Board office and to date the funeral home honored at least 5 unfunded contracts. The funeral home will honor the few remaining unfunded contracts. All preneeds are funded through insurance, and the consumer writes the check to the insurance company.

#0602095 – funeral bill

When consumer's father died, the widow made arrangement for funeral services, but discovers that son is beneficiary of insurance policies. The consumer arrived from out-of-state and has a new contract written for funeral services. Consumer claimed that funeral home honored wishes of widow and not new contract. Consumer offered no proof, and funeral home submitted evidence supporting their position. The funeral director involved was fired.

#0604121 – condition of body

Family of deceased contacted funeral home, and while embalming, the family changes to another funeral home. The second funeral home permits the family to view the deceased, who was a bone and tissue donor. The family supplied photos of deceased which Inspector Wisby reviewed and then explained the procedure and condition of donor bodies to the family. The two funeral homes have a history of conflict.

#0605146 - telephone listing

Funeral director complained that his name, with the funeral home address and telephone number, continued to appear in the residential white pages telephone book after he left the funeral home in 2000. A T & T would not remove the listing because it was the funeral home's account. Upon contact from the Board, the funeral home removed the listing and supplied the Board with a written statement from the funeral home and the telephone company.

#0605147 -funeral bill dispute/preneed

Consumer, claiming to be next of kin, complained that the funeral home used the wrong casket, and did not understand the use of interest earned on the preneed to cover the rise in costs. Consumer was not present at the arrangement conference. The funeral home provided a copy of the original preneed, the invoice for the goods and services, including the casket at time of death.

#0502075 - preneed

Consumer complaint involving preneed funded by insurance policy. The Board referred complaint to Ohio Department of Insurance in 2005. The Department of Insurance resolved the matter, and the funeral home was removed from the consumer's policy.

#0605145 – funeral bill dispute/preneed

Family of deceased was concerned with the increase in costs between the original preneed purchased in 1994 and the death in 2006. Board explained that the reason for a preneed contract is that the earned interest covers the current costs of guaranteed items. Funeral home did refund the cost of one limousine that was part of the original preneed, but not used by the family.

#0605126 - preneed

Consumer was concerned about the \$1,000.00 charge for funeral meal included in her sister's preneed. The funeral director explained that it was an estimate so that the cost could be included in the preneed. The sister is on Medicare and therefore the contract money cannot be refunded, it would go back to state. The funeral director explained that the meal details would be discussed at the time of death, and any excess could be used toward other services and/or goods if requested.

#0604124 - preneed

Two married consumers purchased two preneed contract, funded by insurance. However, the consumers thought they had three-year payment plans when in fact it is two five-year payment plans. To resolve the situation, the funeral home arranged for the consumers to pay off their policies early, the same cost as a three-year plan.

#0602098 – preneed

Consumer was concerned about the increase in cost between the mother's original preneed written in 2001 and her death in 2005. To resolve the situation, the funeral home reduced the costs of the mother's funeral home, and provided consumer with procedure to move remaining preneed contract to another funeral home.



On a motion by Mr. Jones, seconded by Mr. Hadley, the Board voted to close twelve (12) investigatory files. Roll call vote. Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye.



Compliance Issue 1 – The Board reviewed a letter from Anne G. Dunbar, Board Secretary of Chapman-Raff, Inc. concerning a change of firm title. The Board accepted the change from “Trostel Chapman Funeral Home” to “Trostel, Chapman, Dunbar & Fraley Funeral Home” in New Carlisle.” Secretary to notify Mrs. Dunbar that all signage and advertisements must reflect the new firm title.

Compliance Issue 2 – The Board reviewed a letter from Larry Born concerning the death of Phillip F. Boyd and the Boyd Funeral Home in Marion. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved Mr. Born's request to continue the operation of the Boyd Funeral Home for twelve months until June 16, 2007. Ayes: 6.

Nays: 0. At that time, Mr. Born may request an additional twelve months to operate. A new application for funeral home license is necessary before June 16, 2008.

Compliance Issue 3 – The Board reviewed a letter from Jared A. Moore concerning a change of firm title. The Board accepted the change from “Garrett Funeral Home” to “Garrett Moore Funeral Home” in McArthur. Secretary to notify Mr. Moore that all signage and advertisements must reflect the new firm title.

Compliance Issue 4 – The Board reviewed a letter from Thomas G. Sims requesting to reinstate his embalmer and his funeral director licenses. On a motion by Mr. Shank, seconded by Mr. Jones, the Board approved Mr. Sims’s to reinstate his licenses provided Mr. Sims complies with the requirement of Section 4717.08 of the Revised Code, by successfully passing the Ohio Laws examination and remitting the penalty fees.

On a motion by Mr. Shank, 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.

The President declared the Board out of executive session.

Complaint #0610067 On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General and John J. Flynn attorney for Bissler and Sons Funeral Home and Curtis Robinson, for a violation of Section 4717.14 (A)(4) of the Revised Code, for immoral or unprofessional conduct; specifically, for being visibly intoxicated while making the removal of a body from a home. The signed settlement agreement and negotiated fine have been received. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye.

The Preneed Committee met after the Board meeting recessed at 2:47 P.M.

Tuesday – July 18, 2006

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, Ross C. DeJohn, John J. Hadley, Pernel Jones, Roger Primm, Inspector Frank J. Savage, Inspector Charles H. Wisby, Administrative Assistant Jennifer Baugess, 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 2006 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. Hadley, seconded by Mr. Shank, the Board approved, and where indicated denied, the Prior Approval continuing education programs, and Individual continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved, and where indicated denied, the Prior with Blanket Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Shank, seconded by Mr. Primm, the Board approved, and where indicated denied, Individual continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved the following application for an exemption of the continuing education requirement. Ayes: 6. Nays: 0. Motion approved

Application for Waiver or exemption 2004-2006

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
X		Jeffrey Bird	Granted
X		Mariska Kinsey	Granted
X		Roderick Dean Patterson	Granted
	X	Laura J. Thornell	Granted
	X	William Phillip Woodyard	Granted
	X	Justin W. Yoder	Granted

applications for Waiver or Exemption 2006-2008

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
X		Roderick Dean Patterson	Granted

Applications 50-year exemption

On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved the following 50 Year Exemptions for continuing education. Ayes: 6. Nay: 0. Motion Approved.

<u>Date Recd</u>	<u>Licensee</u>	<u>License #'s</u>
6/15/06	James E. Fox	5460A/4299
6/15/06	Robert E. Gompf	5463A/4307
6/19/06	Donald R. Wolfe, Sr.	5832A/4667
6/23/06	James K. Mansfield	5231A/3824
7/07/06	Harry E. Shaw	5147A/3774



On a motion by Mrs. Cheney, seconded by Mr. Primm, the Board meeting adjourned at 8:37 A.M. Ayes: 6. Nays: 0. Motion approved.