

Monday – October 16, 2006

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. President, Ross C. DeJohn, Sr., called the meeting to order at 1:02 P.M. Other Board members present were: Virginia S. Cheney, John J. Hadley, Pernel Jones, Roger Primm, and Kurtis A. Tunnell. Also, present were: Zachary Dunlap, Assistant Attorney General, 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. Hadley, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on September 18-19, 2006. Ayes: 5. Nay: 0. Motion approved.



Director's Report

Ms. Cunningham reported that Mr. Hadley, Mr. Dunlap, and Mrs. Baugess participated in the Ohio Funeral Directors Apprentice Seminar on October 5, 2006. Mr. Hadley was paid per diem and reimbursed for allowable travel expenses.



In addition, Mr. Hadley and Mr. Wisby presented a program to District #13 in Lancaster on October 10, 2006. Mr. Hadley was paid per diem and reimbursed for allowable travel expenses.



Ms. Cunningham reminded the Board that Mr. Shank will monitor examinations on October 25, 2006, and he plans to work in the Board office on October 24, 2006. Mr. Shank will be paid per diem for both days and reimbursed allowable travel expenses.



The Conference District #4 meeting with Indiana, Michigan and Ontario is pending because there is no date or location selected by the District Chairman.



Mr. Cunningham informed the Board that David Hick of the Ohio Embalmers Association requested speakers for the Associations seminar on February 28, 2007, in Wilmington. Initially, Ms. Cunningham and Mr. Wisby were to represent the Board, but Mr. Hadley will replace Mr. Wisby.



Mrs. Baugess, Mr. Wisby, and Ms. Cunningham will attend the 31st Annual FARB Forum in San Antonio, Texas on February 2-3-4, 2007



The International Conference of Funeral Service Examining Board will hold its annual convention in Nashville, Tennessee on April 21-22, 2007. President DeJohn, Secretary Hadley, Mrs. Baugess and Ms. Cunningham will attend. Mrs. Baugess and Ms. Cunningham will participate in the Association of Executives of Funeral Service Board on April 20 before the convention opens.



Ms. Cunningham reported that the Cemetery Dispute Resolution Commission appointed three of their members to the Crematory Review Board. Along with the Board's three appointees, the Crematory Review Board will meet to select a seventh member and meet as a Board.



Again, Board Members were informed that the Ohio Administrative Knowledge System [OAKS] will begin with the payroll ending December 23, 2006. The paperless system mandates that all payroll and travel checks be directly deposited in the employee's account. Mr. Hadley questioned why the embalmer's name was dropped from the death certificate. Ms. Cunningham responded that Vital Statistics decided to remove the embalmer's name.



Ms. Cunningham reported the Department of Health, Office of Vital Statistics contacted her concerning licensed funeral directors that want access to the Electronic Death Registration System. EDRS currently requires funeral directors to be linked to a funeral home. The Board did not see a problem with allowing licensees without connections to funeral home access to EDRS. Ms. Cunningham will relay the Board's response to Mark Kassouf, Assistant State Registrar.



The Board office mailed Renewal applications for calendar years 2007-2008, on October 10, 2006, and the office has received several batches from Chase Bank that handles the lock box operation. Chase Bank deposits the renewal check, and delivers renewal applications to the Board office for further processing.



Ms. Cunningham reported that an audit of the medical management program of Bureau of Workers Compensation revealed that state agencies were not billed, and therefore did not pay \$46 million of fees. The Board office is waiting to learn the impact of this discovery, and the possible costs.



Licensure

There were no applications considered for crematory facility



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

Facility	Location	County
Madison Crematory	London	Madison



Previous, 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 date of the final inspection.

License no.	Crematory Facility	Location	Final Inspection
CREM 000107	Remembrance Crematory	Bowling Green	09/21/06
CREM 000108	Madison Crematory	London	10/16/06



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.



There were no embalming facility applications considered for ratification after approval of the application, receipt of the occupancy permit, and the final inspection.

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There were no applications for funeral home license.

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There were no application for funeral home license pending receipt of the occupancy permit and final inspection by the Board.

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

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

Licensure Issue 1 – The Board reviewed a request from Erica Jacobs concerning recertification of her funeral director apprenticeship. Ms. Jacobs certified an apprenticeship in 1997 but did not properly terminate. On a motion by Mr. Hadley seconded by Mr. Primm, the Board voted that Ms. Jacobs must recertify and serve twelve consecutive months as an apprentice. Ayes: 6. Nays: 0. Motion approved.

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Licensure Issue 2 – The Board reviewed a request from Jeffrey Hall concerning his enrollment in the online program at American Academy McAllister Institute of Funeral Service. Mr. Hall explained that, as a student, he would be registered with the State of New York, but he would be employed by an Ohio funeral home as required by the Institute. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to recognize the online program because the American Board approves the program. and to allow Mr. Hall to work in an Ohio funeral home while he is a student. Ayes: 6. Nays: 0. Motion approved.

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Licensure Issue 3 – The Board reviewed a request from Judi Lawrence, President and owner of Stroud-Lawrence Funeral Home in Chagrin Falls concerning the master for and the apprenticeship of her son, Michael Lawrence. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to inform Mrs. Lawrence that masters are required to have five years of experience before certifying an apprentice, and that Michael could certify his apprenticeship under Thomas Steinbauer at Kindrich McHugh Steinbauer Funeral Home, and on occasion assist the licensed funeral director at Stroud Lawrence Funeral Home. Ayes: 6. Nays: 0. Motion approved.

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Licensure Issue 4 – The Board reviewed a request from Chad C. Hine concerning part-time employment during his apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved Mr. Hine's request to work no more than twenty hours during his full-time apprenticeship. Mr. Hine must inform the Board when he secures the outside employment. Ayes: 6. Nays: 0. Motion approved.

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There were no individuals who met the requirements for an embalmer and/or funeral director license for this meeting.

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The following individuals qualified and were issued funeral director registration numbers during the month of September 2006.

License Number	Name	City	Effective Date
REG-000177	JOEL R LASLO	MT VERNON	20060926
REG-000178	ANITA S LAUER	COLUMBUS	20060926
REG-000258	BENJAMIN A COWAN	VAN WERT	20060926
REG-000259	JAY F EASTMAN	WELLINGTON	20060926
REG-000260	SARA A EASTMAN	WELLINGTON	20060926
REG-000261	ERIK E EDWARDS	COLUMBUS	20060926
REG-000262	MEGAN J JACOB	CINCINNATI	20060926
REG-000263	JOEL R LASLO	MT VERNON	20060926
REG-000264	ANITA S LAUER	COLUMBUS	20060926
REG-000265	PHILIP J NEITZEL	TOLEDO	20060926
REG-000266	KELLY L OSBORNE	JEFFERSON	20060926
REG-000267	PAUL R SECUNDE	N ROYALTON	20060926
REG-000268	JACK W STICKLE II	NEWARK	20060926
REG-000269	CLIFFORD E THOMPSON	CLEVELAND	20060926
REG-000270	HERBERT T WALKER III	CINCINNATI	20060926
REG-00173	JAY F EASTMAN	WELLINGTON	20060926
REG-00174	SARA A EASTMAN	WELLINGTON	20060926
REG-00175	ERIK E EDWARDS	COLUMBUS	20060926
REG-00176	MEGAN J JACOB	CINCINNATI	20060926
REG-00179	PHILIP J NEITZEL	TOLEDO	20060926
REG-00180	KELLY L OSBORNE	JEFFERSON	20060926
REG-00181	PAUL R SECUNDE	N ROYALTON	20060926
REG-00182	JACK W STICKLE II	NEWARK	20060926
REG-00183	CLIFFORD E THOMPSON	CLEVELAND	20060926
REG-00184	HERBERT T WALKER III	CINCINNATI	20060926
REG-00185	BRIAN W WESCHE	MIAMISBURG	20060926



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

<u>CERT #</u>	<u>Name</u>	<u>Funeral Home</u>	<u>Location</u>
	Embalmer		
000162	Keith O Ebright	Dwayne R Spence FH	Canal Winchester
000173	Jay F Eastman	Eastman FH	New London
000174	Sara A Eastman	Eastman FH	New London

000175	Erik E Edwards	Rutherford	Columbus
000177	Joel R Laso	Dowds-Snyder FH	Mt Vernon
000179	Philip J Neitzel	James Coyle & Son	Toledo
000180	Kelly L Osborne	Fleming & Billman	Jefferson
000181	Paul Secunde	A Ripepi & Sons	Middleburg Hts
000182	Jack W Stickle II	Criss-Shoedinger FH	Newark
000183	Clifford E Thompson	Berkowitz-Kumin & Bookatz	Cleveland Hts
000184	Herbert T Walker III	Walker FH	Cincinnati
000185	Brian W Wesche	Brough-Getts	Miamisburg
	Funeral Director		
000258	Benjamin A Cowan	Cowan & Son FH	Van Wert
000259	Jay F Eastman	Eastman FH	New London
000260	Sara A Eastman	Eastman FH	New London
000261	Erik E Edwards	Rutherford	Columbus
000263	Joel R Laso	Dowds-Snyder FH	Mt Vernon
000265	Philip J Neitzel	James Coyne & Son	Toledo
000266	Kelly L Osborne	Fleming & Billman	Jefferson
000267	Paul Secunde	A Ripepi & Sons	Middleburg Hts
000268	Jack W Stickle II	Criss-Schoedinger FH	Newark
000269	Clifford E Thompson	Berkowitz-Kuman & Bookatz	Cleveland Hts
000270	Herbert T Walker	Walker FH	Cincinnati



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	142	225
Quarterly Master Reports	25	37
Board Interviews	7	9



Fiscal

Ms. Wright presented the fiscal report to the Board. Board Members reviewed the revenue journal with a balance as of \$16,646.80 as of the end of September, the third month in Fiscal Year 2007, and voucher journal with 34 vouchers and encumbrances for September. Also, the Board reviewed a comparison chart of expenditures to date.



On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved registration and travel expenses to the 31st Annual FARB Forum in San Antonio, Texas, provided funds are available, Mrs. Baugess, Mr. Wisby, and Ms. Cunningham will attend. Ayes: 6. Nays: 0. Motion approved.



On a motion by Mrs. Cheney, seconded by Mr. Jones, the Board approved registration and travel expenses to the 103rd Annual Convention of the International Conference of Funeral Service Examining Boards in Nashville, Tennessee, provided funds are available, Mr. DeJohn, Mr. Hadley, Mrs. Baugess, and Ms. Cunningham. In addition registration and travel expenses were approved for the one-day meeting of the Association of Executives of Funeral Service Boards prior to the Conference convention. Ayes: 6. Nays: 0. Motion approved.



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 that Mr. Dunlap offered to research limits on Board authority to request preneed reports.

The Staff Committee will not meet in October, but will meet in November.



Inspectors' Reports

From September 17, 2006, 2006 through October 14, 2006, Inspector Wisby drove 2,549 miles in the counties of Defiance, Fairfield, Franklin, Greene, Hamilton, Hancock, Lawrence, Madison, Morgan, Paulding, Putnam, and Wood. Inspector Wisby accompanied Mr. Hadley to District #13 meeting on October 10, 2006.

Crematory facility inspections	8
Embalming Facility inspections	1
Funeral home inspections	62
Violations discovered	7
Investigations activities	3
Apprentices monitored	0
Hearings	0



In Inspector Savage's absence, Inspector Wisby read Inspector Savages' report that from September 17, 2006 through October 14, 2006, he drove 1,406 miles in the counties of Cuyahoga, Holmes, Stark, Summit, and Tuscarawas.

Crematory facility inspections	8
Embalming Facility inspections	0
Funeral home inspections	62
Violations discovered	2
Investigations activities	5
Apprentices monitored	0
Hearings	0



Compliance

There were no amendments submitted to change the funeral director actually in charge of and ultimately responsible for a funeral home in the month of September.



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

FH002156	Hoff-Shorac FH	George Pugh	20060908	Jefferson
FH001339	Kubina Yuhasz FH	Thomas Schurko	20060929	Mahoning
FH002376	Thompson, Hall & Jordan	Michael Black	20060906	Hamilton



Mrs. Baugess presented the following for Board consideration:

Compliance Issue 1 – The Board reviewed a letter from Bob Plagge concerning signage for Vorhis & Ryan Funeral Home. The Board found no issues with the proposed signage.



Compliance Issue 2 – The Board reviewed a letter from Christopher Geiser concerning firm title. The Board accepted the change from “Harry Meyer and Geiser Funeral Home” to Meyer and Geiser Funeral Home” in Cincinnati. Secretary to notify Mr. Geiser that all signage and advertisements must reflect the new firm title.



Compliance Issue 3 - The Board reviewed a letter from Thomas Earl Roberts requesting permission to continue the operation of the Roberts Funeral Home located in Logan. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved Mr. Roberts’ request to continue the operation of the Roberts Funeral Home for twelve months until August 2, 2007.



Compliance Issue 4 – Board members discussed advertisements and website addresses, and reviewed the website addresses for six Board members and their businesses. The Board determined that as long as the actual webpage is correct and displays the licensed firm title, the Board could not control website addresses.



On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to close the following investigatory files: Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye.

Complaint 0707013

Consumer purchased preneed funeral contract in 2001. The consumer paid a portion in cash and assigned insurance policies for the balance. The contract option chosen did say that the prices were not guaranteed.

Complaint #0708021

Consumer purchased a preneed in 1990. The contract did not specify guaranteed or non-guaranteed. However, the FD wrote a note stating "funeral home charges of \$3265 guaranteed. Cash advanced items not guaranteed". The FD is no longer with the FH and they were not going to honor the prices as guaranteed. Since seeing the note, they have agreed to honor at the original prices.

Complaint #007003

A consumer (who is also a newspaper reporter) goes to several local FH's to pick up GPL's. This particular FH will not provide him with a GPL. The secretary states that the FD handles this and the FD refuses to give him one. The consumer sends a letter requesting a GPL and a couple of weeks later goes in to the FH and receives one without any problems. The AIC/UR has replied to the complaint and is aware of the FTC policy.

Complaint #0597061

Consumer purchased a preneed in 2000. The FH employee working with the family at that time, estimated the size of the casket, which would be needed. Consumer dies in late 2004, she had gained nearly 100lbs and therefore a larger casket was needed. The FH was going to charge the family for the change. Family didn't want to pay the difference and moves to another FH without incident. Family also claims that an unlicensed

employee was the only one they spoke to in 2000 to purchase the preneed contract. The contracts are signed by a licensed FD.

On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to accept the settlement agreements negotiated by Zachary Dunlap, Assistant Attorney General and Ty L Foster, attorney for Tredway-Pollitt Funeral Homes, Jeffrey Staver and John Tredway for violation of Section 4717.14(A)(4) of the Revised Code, for immoral or unprofessional conduct. Specifically, for conduct surrounding the funeral and entombment of Barbara Norris. The signed settlement agreements and fine have been received. Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye.

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On the advice of legal counsel, the Board voted to rescind the charges against Matheney Funeral Home, Susan Matheney and Timothy Matheney for a violation of Section 4747.23(A)(3) of the Revised Code, for failure to complete a cremation authorization form executed pursuant to section 4717.21 or 4717.24 of the Revised Code, as applicable, that authorized 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; Primm, Aye; Tunnell, Aye.

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At a hearing on July 6, 2006, the Brogdon & Son Funeral Home and Wendell Brogdon with violation of Sections 4717.14(A)(3) and 4717.06(B)(4) of the Ohio Revised Code, which requires that a funeral home be directly supervised by a licensed funeral director and violation of Section 4717.14(A)(4) of the Ohio Revised Code, for immoral or unprofessional conduct.

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers, on the hearing held July 6, 2006, concerning violations previously listed. No objections to the Report and Recommendation were submitted for consideration prior to voting on the motions.

Motion by Mr. Hadley, seconded by Mr. Tunnell, to approved the Hearing Officer's finding of fact. Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye.

Motion by Mr. Hadley, seconded by Mrs. Cheney, to approved the Hearing Officer's Conclusions of Law. Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye.

Motion by Mr. Hadley, seconded by Mr. Primm, to approved the Hearing Officer's recommendation. Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm; Tunnell, Aye.

Board Order

Funeral Home license no. 001949 for the Brogdon & Son Funeral Home, and funeral director license no. 007689 held by Wendell Brogdon are revoked effective November 2, 2006.

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On a motion by Mr. Primm, seconded by Mrs. Cheney, the Board went into executive session pursuant to Section 121.22(G) of the Revised Code, 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; Tunnell, Aye

President DeJohn declared the Board out of executive session.

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The Board meeting recessed at 3:04 P.M.

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Tuesday – October 17, 2006

The Board reconvened at 8:00 A.M. in the Board Office on the 16th Floor of the Riffe Center. President Ross C. DeJohn presided. Present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones, Roger Primm, Kurt A. Tunnell, Inspector Charles H. Wisby, Administrative Assistant Jennifer Baugess, Executive Director Ann Cunningham. Barbara Hadley observed the Board meeting.

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Licensure issue – The Board reviewed a letter from James A. Thierbach concerning reinstatement of his lapsed funeral director's license. The Board approved Mr. Thierbach's request. Secretary to instruct Mr. Thierbach that he is required to successfully pass the Ohio Laws examination and remit renewal and penalty fees.

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Continuing Education

The Board reviewed two requests from the Ohio Funeral Directors Association relative to continuing education. OFDA asked the Board to allow continuing education credit for convention exhibits. The Board agreed. In addition OFDA requested a delay in the new continuing education procedure that requires sponsors to retain all attendance records and issue Certificates of Completion to licensees at the end of a program. The Board agreed to postpone the new requirements until December 31, 2006. Beginning January 1, 2007, all continuing education sponsors must comply with the new requirements.

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Continuing education

The list of continuing education programs considered by the Board during the October 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. Jones, 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 Mr. Primm, 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. Hadley, seconded by Mr. Jones, 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 Mrs. Cheney, the Board approved the following applications for waiver or exemption of the continuing education requirement. Ayes: 6. Nays: 0. Motion approved.

Applications for Waiver or Exemption Compliance 2006-2008:

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/Denied</u>
	X	Jennifer Moreland Van Paepchem	Granted
	X	Victory Thomas	granted



On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following 50-year exemption from the continuing education requirement. Ayes: 6. Nays: 0. Motion approved.

50-year exemptions:

<u>Date received</u>	<u>Licensee</u>	<u>License No.</u>
07/03/06	August K Gaumlich	Dual 006045

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