

Monday – November 13, 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 1:00 P.M. Other Board members present were: Virginia S. Cheney, John J. Hadley, Pernel Jones, Roger Primm, Robert L. Shank, and Kurtis A. Tunnell. 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. Marie Lorz of the Central Ohio Funeral Consumers Alliance and Becky Locke-Cagnon of the Funeral Consumers Alliance of Northwest Ohio.

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On a motion by Mrs. Cheney, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on October 16-17, 2006. Ayes: 6. Nay: 0. Motion approved.

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Director's Report

Ms. Cunningham reminded Board Member of the death of Robert P. Smith. Bob was instrumental in creating the cremation law, and he will be greatly missed.

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Mr. Hadley monitored the examinations on October 25, 2006 filling in for Mr. Shank who was unable to monitor. Mr. Hadley will be paid per diem and allowable travel expenses.

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Board Members discussed the recent policy change relative to room reservations at the Doubletree Suites Hotel. The Doubletree proffered a contract for each meeting date in calendar year 2007, a reversal of past practices. Mr. Jones offered to make his reservations at the regular rate, and within thirty days before the date of the reservation, contact the Doubletree and request the state rate. With question concerning 'no shows and penalties for room attrition, the Members decided to delay a decision.

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There are no rooms available in the Columbus area for the July 2007 meeting. The Board considered Lake Erie, Marietta and the Cherry Valley Lodge in Newark. The Board decided to hold the July meeting in Port Clinton. Mr. Shank will supply the name of the contact person for reserving hotel and meeting rooms.

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Board Members Hadley, Primm, Shank and Tunnell will attend the Rules Hearing scheduled for November 28, 2006 at 1:30 P.M. on the 31st Floor in Room East B.

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Members received a notice from the Ohio Public Employees Retirements System in which OPERS announced the certified state contribution rates for employees and employers. The Board as employer will contribute 14% beginning January 1, 2008, and employees will contribute 10%.

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Copies of the Board's Budget Request for FY098-09, the Board transition template and the Conference Licensing/CE/Preneed Survey were made available to the Board Members

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The Apprenticeship Committee will determine the general plan for organizing the Ohio Laws Examination and negotiate with the Conference to formulate a contract.

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The Board received notice from William Mabe, Administrator/CEO of the Bureau of Workers' Compensation [BWC] that it appears that state agencies have not been required to pay managed care organization medical management fees since the inception of the Health Partnership program in 1997. After a review, BWC and the Office of Budget and Management will establish a payment methodology that "minimizes the impact on the Board's budget." Allegedly, state agencies owe forty-six million dollars.

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Board Members reviewed a public information announcement placed in the Yellow Pages by the State of New York. Regulatory Boards in Ohio are considering a similar campaign, but costs are a deterrent.

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Board Members were reminded that the Ohio Administrative Knowledge System [OAKS] will go live on December 18, 2006. Board Members will notice an immediate change in payroll.

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In preparation for OAKS, Miss Wright and Miss Cunningham completed three on-line classes to prepare for the four-hour classroom training on December 1, 2006.

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Board Members reviewed a fax from Midwest Preneed Plus Staff requesting three hours credit for continuing education for conducting an insurance class, and in addition the company requested a Board Member to address the class. Secretary to direct the Midwest Preneed Plus Staff to the Department of Insurance and deny the request for a speaker.

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The Director's Report ended with the following announcements, the Board office will be open on Friday, November 24, Miss Cunningham will be on vacation from November 16 through November 27, and a Men of Mortuaries Calendar is available.

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Mr. DeJohn reminded Board Members and Staff that the Board's Holiday Luncheon is scheduled for Monday, December 18 at 12 noon before the December Meeting.

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Licensure

There were no applications considered for crematory facility

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

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There were no licenses issued to a crematory facility license after approval of the application, receipt of the occupancy permit, and the final inspection.

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There were no applications for embalming facility license.

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

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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 number was issued the date of the final inspection.

<u>License no</u>	<u>Embalming Facility</u>	<u>Location</u>	<u>Date</u>
EFAC 000003	CMC Embalming Ctr	Ironton	11/08/06

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On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved the following applications for funeral home license with an effective date of November 13, 2006. Ayes: 7. Nays: 0.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Halsey-Lee FH	Arlington	Hancock	leasing

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On a motion by Mr. Hadley, seconded by Mr. Primm the Board approved the following applications for funeral home license with an effective date of January 1, 2007. Ayes: 7. Nays: 0.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Bartley	Minerva	Stark	
Billow Co	Cuyahoga Falls	Summit	10/02/06
Billow Co	New Franklin Village	Summit	09/27/06
Billow Co	Fairlawn	Summit	10/02/06
Blackburn-Duke	Grafton	Lorain	11/06/06
Boyd FH	Marion	Marion	
Carter FH Inc	Elyria	Lorain	02/01/06
Carter FH Inc	Lorain	Lorain	02/02/06
Chambers FH	Cleveland	Cuyahoga	09/21/06
Chambers FH	Berea	Cuyahoga	06/13/06
Chambers FH	North Olmsted	Cuyahoga	06/16/06
Clifford-Shoemaker FH	Cuyahoga Falls	Summit	10/02/06
Deckman-Bartley FH	Malvern	Carroll	11/07/06
Gerner-Wolf-Walker FH	Port Clinton	Ottawa	07/28/06
Fortuna FH	Cleveland	Cuyahoga	11/07/06
Heitmeyer FH	Ottawa	Putnam	09/25/06
Heitmeyer FH	Continental	Putnam	09/25/06
Heitmeyer FH	Oakwood	Paulding	09/26/06
Love FH	Ottawa	Putnam	09/25/06
Love-Heitmeyer	Leipsic	Putnam	09/25/06
McPeck FH	Granville	Licking	09/12/06
Maher-Melbourne FH	South Euclid	Cuyahoga	11/09/06
Robinson-Walker FH	Genoa	Ottawa	07/28/06
Robinson-Walker FH	Oak Harbor	Ottawa	07/28/06
Smith-Rose FH	Dayton	Montgomery	08/11/06
Spidell FH	Brewster	Stark	07/03/06
Spidell FH	Mt Eaton	Wayne	08/08/06
Staton-Borowski FH	Warren	Trumbull	01/19/06
Westbrock FH Inc	Kettering	Montgomery	11/03/06
Westbrock FH Inc	Dayton	Montgomery	11/03/06



On a motion by Mr. Shank, seconded by Mr. Hadley, the Board approved the following application for funeral home license **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>
Jardine FH	Strongsville	Cuyahoga



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

Licensure Issue 1 – The Board reviewed a request from Robert J. Dillon concerning the start date of his embalmer and funeral directors apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board denied Mr. Dillon’s request to change the start date of his apprenticeship, and clarified the certification procedure, which established the original date. Ayes: 7. Nays: 0. Motion approved.



Licensure Issue 2 – The Board reviewed a request from Devin Woodyard concerning college attendance during his funeral director apprenticeship. On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board denied Mr. Woodyard’s request to attend college on full-time and certify a full-time apprenticeship. Mr. Woodyard is to be advised that he may attend no more than twenty hours of class during his apprenticeship. Ayes: 7. Nays: 0. Motion approved.



On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to issue embalmer and/or funeral director licenses to the following qualified applicants. Ayes: 7. Nays: 0. Motion approved.

<u>Embalmer lic no.</u>	<u>Funl Dir lic no</u>	<u>Name</u>	<u>City</u>
009218	009193	March Ferguson Jr.	Akron
	009194	Elizabeth A. Reed	Canton



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

<u>Registration #</u>		<u>Name</u>	<u>City</u>	<u>Effective Date</u>
REG-000272	FD	Devin Woodyard	Columbus	10/24/06
REG-000186	EMB	Erin E. Mullins	Wheelersburg	10/03/06
REG-000271	FD	Erin E. Mullins	Wheelersburg	10/03/06



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

<u>CERT #</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>
	<u>Embalmer</u>		
000029	Cortney Fouse-Harr	Bokas FH	Akron
000176	Megan J. Jacob	Tobias FH	Dayton
	<u>Funeral Director</u>		
000042	Cortney Fouse-Harr	Bokas	Akron
000258	Benjamin A Cowan	Cowan & Son FH	Van Wert

000262	Megan J. Jacob	Tobias FH	Dayton
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The Board office received and processed the following reports during the month of October 2006:

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	98	150
Quarterly Master Reports	16	25
Board Interviews	5	10



The Board reviewed the grades of the Ohio Laws Examination written October 25, 2006. On a motion by Mr. Hadley, seconded by Mr. Jones, the Board voted 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 properly completed application with the initial license fee. The two-year funeral director applicants must provide proof of successfully passing the Funeral Service Arts Examination. Ayes: 7. Nays: 0. 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 \$22,882.96 as of the end of October, the fourth month in Fiscal Year 2007, and voucher journal with 52 vouchers and encumbrances for October. Also, the Board reviewed a comparison chart of expenditures to date.



Board Members received a chart of downtown Columbus hotels with state rates, contract requirements and cancellation policies.



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 they are working on a draft/guidelines to share with the Department of Insurance. The Committee plans to meet with Insurance and other state agencies involved with preneed. The Assistant Attorney General reminded Board Members that the rules before JCARR are a short-term fix, and that the Committee is working on a long-term solution to preneed.



Inspectors' Reports

From October 15, 2006, 2006 through November 11, 2006, Inspector Savage drove 1,424 miles in the counties of Carroll, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Portage and Seneca. Inspector Savage participated in EDRS training by the Office of Vital Statistics on October 18, 2006.

Crematory facility inspections	6
Embalming Facility inspections	0
Funeral home inspections	76
Violations discovered	3
Investigations activities	4
Apprentices monitored	0

Hearings	0
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Inspector Wisby's report covered October 15, 2006 through November 11, 2006, during which he drove 3,383 miles in the counties of Champaign, Clark, Fairfield, Franklin, Fulton, Gallia, Green, Jackson, Lawrence, Madison, Meigs, Miami, Montgomery, Perry, and Scioto.

Crematory facility inspections	7
Embalming Facility inspections	1
Funeral home inspections	69
Violations discovered	0
Investigations activities	4
Apprentices monitored	0
Hearings	0



Compliance

The following funeral homes submitted amendments to change the manger and/or funeral director actually in charge of and ultimately responsible for the funeral home in the month of October.

<u>License #</u>	<u>Funeral home</u>	<u>Licensee Name</u>	<u>Type</u>	<u>county</u>
FH001557	Cardaras FH	Chassidy Lippert	Mgr	Athens
FH002038	Childs Williams FH	Kori Marcy Zappitelli	Mg	Ashtabula
FH000384	Graumlich & Son Inc	Andrea Graumlish	AIC	Franklin
FH000384	Graumlich & Son Inc	Andrea Graumlish	Mgr	Franklin
FH002183	Hopkins Lawver FH	Coral Bowers	Mgr	Stark
FH002805	Jamison & Jamison FH	Preston Charles	Mgr	Hamilton
FH002742	Routsong FH	David Wolf	Mgr	Montgomery
FH002829	Stroud-Lawrence Brown	Brian Rotenbor	AIC	Cuyahoga
FH002829	Stroud-Lawrence Brown	Brian Rotenbor	Mgr	Cuyahoga
FH002377	Thompson, Hall & Jordan	Robert Coleman	Mgr	Hamilton
FH00897	Wellman FH Inc	Patricia Wellman	Mgr	Pickaway



Mrs. Baugess presented the following for Board consideration:



On a motion by Mr. Shank, 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; Shank, Aye; Tunnell, Aye.

Complaint #0708023

Complaint is about advertising, website and obituaries after the purchase of an existing funeral home by a new owner. Firm title change approved March '06, new display license not sent until May. New owner thought they had to wait for new display before they could use new name. Once he was informed by Board office that he didn't have to

wait on the new display, he started using the new name. Website address is the old name, but the content on the website is clear as to who the owner is and what the name is.

Complaint #0710031

Consumer establishes a preneed policy with the funeral home in 2000. In 2006 her POA calls the funeral home to confirm the existence of the policy and is told there is no policy. The POA goes to funeral home and purchases a preneed. Later he finds paperwork from the 2000 preneed and takes it to the funeral home. The funeral home finds the original policy and the new policy is cancelled and the money refunded.

Complaint #0709028

Two funeral homes in town share the same last name. Funeral home which filed complaint is questioning the info on the 2nd funeral home's website regarding history and staff. 2nd funeral home responded with similar accusations. The information provided by both funeral homes does not appear to be misleading to the public.

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On a motion by Mr. Shank, seconded by Mr. Hadley, the Board voted to close one (1) investigatory file. Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Complaint #0707017

Consumer gives \$2000 to funeral home in 1998 without finalizing the paperwork. Consumer is reminded by funeral director several times to come in to finish paperwork. Consumer moved and funeral director couldn't locate her. in 2005 consumer calls funeral home and asks for her money. Funeral director returns \$1600 to her. He has since returned the remaining \$400 dollars. Instead of putting the \$2000 in trust or insurance, he deposited it in the business checking account waiting for the paperwork to be finalized.

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On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to close one(1) investigatory file. Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Complaint #0710030

Funeral director worked at small town funeral home for 23 years. He leaves employment and goes to another funeral home in town. Several consumers have contacted him to have their preneeds transferred from his former place of employment. He has assisted them by providing form letters to give to the other funeral home to request a transfer. Former funeral home believes he is soliciting consumers. No sufficient evidence to support complaint.

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On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General and T. Scott Gilligan, attorney for Cora A. Walker and C.A. Walker Funeral Home, for a violation of Section 4717.14(A)(4) of the Revised Code, for immoral or unprofessional conduct; specifically, for demanding payment prior to providing funeral services. The signed settlement agreement and fee have been received. Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Issue 1 – The Board reviewed a letter from William G. Nelson concerning firm title. The Board accepted the change from “Don Wolfe Funeral Home” to “Wolfe-Nelson Funeral Home” in Sciotoville. Secretary to notify Mr. Nelson that all signage and advertisements must reflect the new firm title.

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Compliance Issue 2 - The Board reviewed a letter from Ty J. Kovach concerning failure to renew. Mr. Kovach alleged that he provided his change of address by telephone conversation with the Board office, however, the Board staff only accepts a written notice of change of address. Mr. Kovach’s licenses were lapsed for failure to renew. On a motion by Mrs. Cheney, seconded by Mr. Jones, the Board denied Mr. Kovach’s to reinstate his license. Mr. Kovach must comply Section 4717.08 of the Revised Code that mandates the procedure for reinstatement of a lapsed license; successfully pass the Ohio laws examination and remit all renewal and penalty fees. Ayes: 7. Nays: 0. Motion approved.

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

President DeJohn declared the Board out of executive session.

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The Board meeting recessed at 2:30 P.M.

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Tuesday – November 14, 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, Robert L. Shank, Kurt A. Tunnell, 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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On a motion by Mr. Shank, seconded by Mr. Hadley, the Board extended their sympathy to fellow Board Member, Pernel Jones on the loss of his mother.

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The Board Member resolved the hotel reservation situation after conversations with hotel management and discussion of state government restrictions on contracts. Each Board Member will be responsible for his and/or her own hotel reservation, and will be reimbursed according to allowable expense under state law.

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Continuing education

The list of continuing education programs considered by the Board during the November 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. Shank, seconded by Mr. Primm, the Board voted to approved a request by B. Jack Williams to remove his continuing education exemption. Mr. Williams will be required to earn the continuing education hours that were exempted. Ayes: 6. Nays: 0. Motion approved.

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

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

On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the following applications for waiver or exemption of the continuing education requirement. Ayes: 7. Nays: 0. Motion approved.

Applications for Waiver or Exemption Compliance 2004-2006:

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/Denied</u>
	X	Matthew Berry	Granted
	X	Ronald L. Docie	granted

Applications for Waiver or Exemption Compliance 2006-2008:

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/Denied</u>
X		Joan J Wood	Granted
X		Gregory Caratelli	Granted
	X	John R. Bamber	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: 7. Nays: 0. Motion approved.

<u>Date received</u>	<u>Licensee</u>	<u>License No.</u>
10/19/06	Stephen A. Kertese	Dual 006216
10/20/06	Carl J. Arend	Dual 005658
10/25/06	George E. Chapman	Dual 006218

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.