

Monday – December 18, 2006

Prior to the Board meeting, Board Members hosted a holiday luncheon at the Doubletree for Members and Staff.

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The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. Vice-President, Pernel Jones called the meeting to order at 1:00 P.M. Other Board members present were: Virginia S. Cheney, John J. Hadley, 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. Observing the meeting were Gregg Zamborsky, John Zamborsky, Leon Zawicki, and Douglas E. Wilson.

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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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Mr. Jones presented Mrs. Cheney with a pen from the Board for her service as a public member of the Board, and the Board expressed their appreciation for her contribution to funeral service in Ohio. Mrs. Cheney submitted her resignation effective December 31, 2006.

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Director's Report

Ms. Cunningham reported that the Board office contacted the Commodore Perry Inn in Port Clinton to arrange for the July 2007 Board Meeting. Ms. Wright provided details in her fiscal report.

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Mr. Hadley, Mr. Primm, Mr. Shank and Mr. Tunnell participated in the Board's Rules Hearing on November 28, 2006. They were paid per diem and allowable travel expenses.

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Mr. DeJohn and Mr. Savage are scheduled to participate in the Pittsburgh Institute of Mortuary Science Law Seminar on January 3, 2007.

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The five amended rules and one new rule were on the December 11, 2006 agenda for the Joint Committee on Agency Rule Review [JCARR.] JCARR jurisdiction ends December 28, 2006, the rules will be filed for the "final" time and become effective of January 9, 2007.

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Ms. Cunningham suggested a schedule for the various committee meetings. Continuing Education will meet at 10:30 AM on Monday morning before Board meeting. Preneed will meet at 11:00 AM on Monday morning before Board meeting. Staff will meet after Board meeting on Monday afternoon, and Apprenticeship will meet at Board meeting on Tuesday morning.

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At the request of the Ohio Funeral Directors Association [OFDA], the Executive Committee of OFDA will be placed on the January 22, 2007 agenda to discuss changes to the Preneed law.

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Ms. Wright and Ms. Cunningham reported that they attended a four-hour class on December 1 to prepare them to submit payroll in the new Ohio Administrative Knowledge System [OAKS].

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Ms. Cunningham reminded the Board that all employees are on direct deposit for pay and travel, and under OAKS, all employees will receive participate in OAKS epay. Letters of instructions will be forwarded by the Board office, and the Board office will notify Board Members when to expect the actual payroll information.

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Licensure

On a motion by Mr. Shank, seconded by Mr. Tunnell, the Board approved the following applications for crematory facility license **effective January 1, 2007**. Ayes: 6. Nays: 0. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Great Lakes CR	Cleveland	Cuyahoga	10/11/06
Historic Woodlawn C	Toledo	Lucas	02/22/06
Northeast Ohio Cr	Cleveland	Cuyahoga	06/22/06
Woodland Cemetery and Arboretum CR	Dayton	Montgomery	10/05/06

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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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On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following application for Embalming Facility license **effective January 1, 2007**. Ayes: 6. Nays: 0. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Robert P. Smith Mortuary Service	Cleveland	Cuyahoga	10/11/06

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

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There were no applications for funeral home with an effective date of December 18, 2006.

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On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved the following applications for funeral home license with an **effective date of January 1, 2007**. Ayes: 6 Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Beam FH	West Union	Adams	03/10/06
H.H. Birkenkamp FH	Toledo	Lucas	02/23/06
Burcham FH	Fairborn	Greene	12/15/06
Corrigan-DiCicco FH	Fairview Park	Cuyahoga	09/21/06
Corrigan-DiCicco FH	Cleveland	Cuyahoga	09/21/06
Craciun FH	Middleburg Heights	Cuyahoga	06/13/06
Craciun-Berry FH	Cleveland	Cuyahoga	06/05/06
DeJohn-Flynn-Mylott FH	South Euclid	Cuyahoga	06/06/06
DiCicco & Sons FHs	Mayfield Heights	Cuyahoga	04/21/06
DiCicco-Berry FH	Westlake	Cuyahoga	06/18/06
Donlon FH	Cleveland	Cuyahoga	09/21/06
Finefrock-Williams FH	Mansfield	Richland	12/18/06
F.D. Mason Memorial FH	Youngstown	Mahoning	12/14/06
Rodenberger FH, Inc.	Deshler	Henry	08/16/06
Schmidt-Dhonau-Galloway FH	Sharonville	Hamilton	10/06/06
Schmidt-Dhonau-Galloway FH	Reading	Hamilton	10/06/06
Sibley-Murray FH	Warren	Trumbull	12/13/06
Siferd FH	Lima	Allen	08/10/06
Sterling-McCullough Williams	Youngstown	Mahoning	01/10/06
Sterling-McCullough Williams	Warren	Trumbull	12/13/06
Terebinski-Jennings FH	Tipp City	Montgomery	09/14/06
Wasko FH, Inc.	Campbell	Mahoning	12/15/06
C.D. White & Son FH, Inc.	Columbus	Franklin	03/09/06
Winterich FS	Lakewood	Cuyahoga	leasing
Wischmeier-Buesch FH	Cleveland	Cuyahoga	12/15/06



Previously, the Board approved the issuance of a funeral home license to the following after approval of the application, receipt of the occupancy permit, and the final inspection. The funeral home license no. was issued the date of the final inspection.

<u>License No.</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Final Inspection</u>
FH-002867	Jardine FH	Strongsville	11/14/06
FH-002866	Love-Heitmeyer FH	Ft. Jennings	11/14/06
FH-002868	Daniel L. Berry & Donald Martens & Sons	Westlake	11/27/06
FH002869	Mueller-Parker FH	Mason	12/01/06



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

Reciprocal Applicant – Ms. Lucinda Myers of Michigan presented her application for reciprocal embalmer and funeral director licenses, and was interviewed by Board Members. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved Ms. Myers application. Mr. Myers must successfully pass the Ohio Laws Examination and submit an application for licensure. Ayes: 6. Nays: 0. Motion approved.



Licensure Issue 1 – The Board reviewed a request from Peter J. Cole concerning part-time employment during his apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved Mr. Cole’s request to work no more than twenty hours per week outside his apprenticeship. Ayes: 6. Nays: 0. Motion approved.



Licensure Issue 2 – The Board reviewed a request from Pamela Manns-Duncan concerning part-time employment during her apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved Ms. Manns-Duncan’s request to work no more than twenty hours per week outside her apprenticeship. Ayes: 6. Nays: 0. Motion approved..



Licensure Issue 3 – The Board reviewed a letter from Darnesha Colvin, a reciprocal applicant, concerning her Ohio Laws Examination. Ms. Colvin requested clarification of master requirements and funeral home requirements for apprenticeship. The Board reviewed the questions and correct answers referencing Section 4717 of the Revised Code and the Ohio Administrative Code. Secretary to direct Ms. Colvin to the pertinent laws and rules which respond to the questions.



On a motion by Mr. Shank, seconded by Mr. Hadley, the Board voted to issue embalmer and/or funeral director licenses to the following qualified applicants. Ayes: 6. Nays: 0. Motion approved.

<u>Embalmer lic no.</u>	<u>Funl Dir lic no</u>	<u>Name</u>	<u>City</u>
009219	009195	Scott J. Allison	Ada
	009196	Brenda K. Toney	Norwalk
	009197	Kristina L. Vecchione	Youngstown



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

<u>Registration #</u>	<u>Name</u>	<u>City</u>	<u>Effective Date</u>

REG 000273	FD	Brian J. Roller	Warren	11/15/06
REG 000274	FD	Mark D. Wurzelbacher	Hamilton	11/15/06
REG 000275	FD	Shawn J. Wilkins	Northwood	11/28/06

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

<u>CERT #</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>
	<u>Embalmer</u>		
000186	Erin E. Mullins	Bolin-Dierkes FH	Zanesville
	<u>Funeral Director</u>		
000271	Erin E. Mullins	Bolin-Dierkes FH	Zanesville
000273	Brian J. Roller	Peter Rossi Son Mem C	Warren
000274	Mark D. Wurzelbacher	Webb-Noonan FH	Hamilton
000275	Shawn J. Wilkins	Freck FC	Oregon

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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	51	99
Quarterly Master Reports	8	16
Board Interviews	3	5

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Fiscal

Board Members, with the assistance of Miss Wright, reviewed the revenue journal with a balance as of \$360,518.96 as of the end of November, which includes \$332,380.00 from the lockbox operation that collects the biennial renewal. Also, the Board reviewed the voucher journal with 42 vouchers and encumbrances for November, and a comparison chart of expenditures to date.

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Miss Wright explained the renewal report that indicated a total of 1,968 renewal were paid as of December 11, 2006.

Credential	Description	Count
CREM	Crematory Facility	56
DUAL	Embalmer/Funeral Director	1,057
EFAC	Embalming Facility	1
EMB	Embalmer only	4
FD	Funeral Director only	342
FH	Funeral Home	508

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Board Members discussed the July 2007 meeting to be held in Port Clinton on July 16-17, 2007. The meeting will be held at the Commodore Perry Inn & Suites, and Board Members and Staff are to reserve their own rooms.

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Board Members reviewed a letter from Diane L. Krieg Smith informing the Board that the Robert P. Smith Mortuary Service closed and requesting a refund of the 2007-08

Biennial Renewal. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the request for a refund. Ayes: 6. Nays: 0. Motion approved.



Board Members reviewed a letter from Louis A Visi requesting a refund of the 2007-08 Biennial Renewal for the crematory facility located at the Historic Woodlawn Cemetery. On a motion by Mr. Shank, seconded by Mr. Hadley, the Board approved the request for a refund. Ayes: 6. Nays: 0. Motion approved. A new application for crematory facility was under consideration by the Board.



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 November 12, 2006, 2006 through December 9, 2006, Inspector Savage drove 647 miles in the counties of Columbia, Cuyahoga, and Stark.

Crematory facility inspections	0
Embalming Facility inspections	0
Funeral home inspections	27
Violations discovered	0
Investigations activities	0
Apprentices monitored	0
Hearings	0



Inspector Wisby's report covered November 12, 2006 through December 9, 2006, during which he drove 2,459 miles in the counties of Athens, Butler, Franklin, Hamilton, Hancock, Hardin, Highland, Hocking, Morgan, Preble, Putnam, Warren, and Wood. Inspector participated in EDRS training on November 25, 2006.

Crematory facility inspections	1
Embalming Facility inspections	0
Funeral home inspections	37
Violations discovered	4
Investigations activities	3
Apprentices monitored	1
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 November.

<u>License #</u>	<u>Funeral home</u>	<u>Licensee Name</u>	<u>Type</u>	<u>county</u>
FH002606	Allmon-Dugger-Cotton FH	E Curtis Cotton	Mgr	Carroll
FH002865	Halsey-Lee FH	William Halsey	AIC	Hancock
FH002865	Halsey-Lee FH	Jerry Lee	Mgr	Hancock
FH000574	Heinlein-Brown FH	Randy Hardman	Mgr	Hocking
FH001050	Johnson-Romito FH	Debra Romito	Mgr	Summit
FH002657	Karlo & Sons FH	Jeffrey Pappa	Mgr	Stark
FH001104	Ourant FH Inc	John Ourant	AIC	Tuscarawas
FH001449	Potti FH	Ronald Belding	Mgr	Lake
FH002513	Siferd FH	Ronald Belding	Mgr	Allen

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Mrs. Baugess presented the following for Board consideration:

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

Complaint #0507023

Attorney for consumer tried to verify status of preneed account originally setup in 1986. Funeral home's records indicated that consumer or family member possibly withdrew funds. Allegedly, consumer requested transfer from funeral home "A" to funeral home "B" preneed, but funeral home "B" had no records of transfer or consumer.

Complaint #0709024

Consumer claimed an unlicensed individual was paid for headstones, grave opening/closing and had not delivered. Contract was only verbal and transaction was cash.

Complaint #0707006

Funeral home claimed unlicensed individual sold funeral services and conducted funeral services. Board Inspector attended funeral service, and individual in question did not perform funeral directing.

Complaint #0709026

Father died, and daughter went to funeral home "A" to make arrangements. Funeral home "A" discovered that insurance policy lapsed, and attempted to scale back service to fit budget. Daughter changed to funeral home "B" who claimed it would work with daughter and insurance company to correct situation. Funeral home "A" charged \$1,555 for services and expected funeral home "B" to bring a check when they picked up the body, but funeral home "B" did not bring check. Funeral home "A" released body and submitted signed insurance assignment for fees, and insurance company reimbursed

funeral home "A." Daughter questioned charges and funeral home "A" refunded \$750 for consultation which daughter felt was unwarranted.

Complaint #0708020

Consumer selected funeral home and made arrangements for her daughter and paid \$200 as deposit. Funeral home removed of body and embalmed. Consumer told by another funeral home that she is being overcharged, so consumer switched funeral homes. Original funeral home charged consumer for removal and embalming, minus the \$200 deposit. Consumer believed she was overcharged.

Complaint #0711039

Estranged father read about death of young son in October 2005, but was not notified by funeral home or mother. Mother and stepfather made arrangements and stated they were the parents of the deceased. Father showed up at funeral home, and mother escorts him out, told him he was not welcome, and told funeral home staff that estranged father was not welcome. Father called police and police speak to funeral director to see if father can view his son after visitation. Mother would not permit any viewing by estranged father.

Complaint #0505118

Funeral director complained that unlicensed employee sold prearrangements, which limited funeral director's ability to make acceptable income. The documents in question, inspectors investigation and the funeral home response, indicate a licensed funeral director was present and signed papers for these prearrangements. The unlicensed employee did participate in the meetings, however did not represent herself as a funeral director at any time.



Compliance Mail 1 – The Board reviewed a letter from Eric A. Weerts concerning continued operation of the Keller-Ochs-Koch Funeral Home located in Fremont after the death of Lawrence Koch. On a motion by Mr. Shank, seconded by Mr. Hadley, the Board approved the continued operation of the Keller-Ochs-Koch Funeral Home for twelve months until June 25, 2007. Prior to that date, the funeral director actually in charge of and ultimately responsible for the funeral home may request an additional twelve months, or submit a new application for funeral home license, and add the name of the actually in charge of and ultimately responsible of the funeral home to the firm title. Ayes: 7. Nays: 0. Motion approved.



Compliance Mail 2 - The Board reviewed a letter from Kathleen T. Kennedy concerning continued operation of the Tredway-Pollitt Funeral Home located in Norwood after the death of John H. Tredway. On a motion by Mr. Primm, seconded by Mr. Shank, the Board approved the continued operation of the Tredway-Pollitt Funeral Home for twelve months until September 22, 2007. Prior to that date, the funeral director actually in charge of and ultimately responsible for the funeral home may request an additional twelve months, or submit a new application for funeral home license, and add the name of the actually in charge of and ultimately responsible of the funeral home to the firm title. Ayes: 7. Nays: 0. Motion approved.



Compliance Mail #3 – The Board reviewed a letter from Charles N. Lafferty, attorney, who questioned the settlement and fine in the complaint involving Cora Walker and the

Walker Funeral Home. Secretary to respond to Mr. Lafferty as follows the Board agreed to settle the Cora Walker case for a civil forfeiture of \$750. The Board's jurisdiction is to regulate the professional conduct of funeral directors. Under statute, the Board may fine, suspend, or revoke a funeral home's license. the Board is unable to order an apology or a return of money. As far as Walker's conduct is concerned, the Board was satisfied with the resolution that was reached in this case and considers this matter closed. Please note that the Board's decision does not preclude any lawsuit that an individual may file.

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Compliance Mail #4 – The Board reviewed a letter from Ronald Simchak in which Mr. Simchak informed the Board of his name change from Ronald Simchak to Martin Simchak. In addition, Mr. Simchak requested a firm title change, and the Board accepted the change from “Waltner-Boehmer-Simchak Funeral Home” to “Waltner-Simchak Funeral Home.” Secretary to respond to Mr. Simchak that all advertisements and signage must reflect the new firm title.

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Compliance Mail #5 – The Board reviewed a letter from Judi Lawrence, President and owner of Stroud-Lawrence Funeral Home located in Chagrin Falls. Mrs. Lawrence requested permission to remove Brown from the firm title, and return to the former name. Secretary to inform Mrs. Lawrence that if she moves Brown, she must add the name of the current funeral director actually in charge of and ultimately responsible for the funeral home.

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Compliance Mail #5 – The Board reviewed a letter from Todd A. Sammons concerning a change of firm title. The Board accepted the change from “Kauber-Miller Funeral Home” to “Kauber-Sammons Funeral Home.” Secretary to inform Mr. Sammons that all advertisements and signage must reflect the new firm title.

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The Board meeting recessed at 3:00 P.M.

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Tuesday – December 19, 2006

The Board reconvened at 8:00 A.M. in the Board Office on the 16th Floor of the Riffe Center. Vice-President Pernel Jones presided. Present were: Virginia S. Cheney, John J. Hadley, Roger Primm, Robert L. Shank, Kurt A. Tunnell, Zachary Dunlap, Assistant Attorney General; 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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CE mail #1 – The Board reviewed a letter from Telsa Croop concerning the removal of the continuing education exemption. Secretary to inform Ms. Croop that she needs to submit proof of eighteen hours of approved Continuing Education credit for the compliance period 2004-2006.

CE mail #2 – The Board reviewed a letter from Tamara J. Shank requesting credit for a college class titled “Consulting Functions and Practices.” The Board accepted the class for continuing education credit and Ms. Shank must retain a certified transcript as proof.

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Continuing education

The list of continuing education programs considered by the Board during the December 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. Tunnell, 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. Tunnell, seconded by Mr. Primm, the Board approved, and where indicated denied, the Blanket Approval continuing Education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mrs. Cheney, seconded by Mr. Hadley, 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. Primm, 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 2004-2006:

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/Denied</u>
X		Charles A Davis	Granted
	X	Delmos L. Newsome	Granted
	X	Mabel Schermesser	Granted

Applications for Waiver or Exemption Compliance 2006-2008:

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/Denied</u>
X		Jack W Hottinger	Granted
X		John D Marsco	Granted
	X	Kathleen Yeloushan-Paszek	Granted



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

<u>Date received</u>	<u>Licensee</u>	<u>License No.</u>
08/17/06	James Robert Morris	DUAL 006054



The Board Members reviewed an email from Frank Lewis concerning the use of a Professional Employment Organization [POE]. The Board view the proposal as a common business practice in which POE would provide payroll and human resource serves and health benefits to funeral home employees. Secretary to respond to Mr. Lewis.



On a motion by Mrs. Cheney, seconded by Mr. Shank, the Board meeting adjourned at 8:20 A.M. Ayes: 6. Nays: 0. Motion approved.