

Monday – January 23, 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 called the meeting to order at 1:00 P.M. Other Board members present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones, Roger Primm, and Kurtis A. Tunnell. Also, present were: Zachary Dunlap, Assistant Attorney General, 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.

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On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved, as amended, the minutes of the meeting held on December 12-13, 2005. Ayes: 6. Nay: 0. Motion approved.

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Director's Report

Ms. Cunningham reported that the Transition Team working on consolidation of twenty boards and commissions met on December 29, 2005, to vote on the final recommendations and report due December 31, 2005. Ms. Cunningham reiterated that if S.B. 222 reverses the original consolidation language of H.B. 66, the boards are determined to be proactive in improving, accountability and efficiencies by using the information compiled by the Transition Team.

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Board Members received notice that the Boardroom on the 31st Floor of the Riffe Center is reserved for monthly meeting through April, 2006. On May 15, 2006, the Board will meet in Room East B on the 31st, and on May 16, the Board will meet in the Board Office on the 16th Floor.

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Board Members received a copy of the Board's calendar that is posted on the board's website. Members noted that the deadline to submit CE#2, Applications for Approval of Continuing Education Activity is "prior to the last Friday before Board Meeting." If a sponsor submits a CE#2 after the deadline for a prior approval, it will be denied.

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Mr. Hadley will serve as the Board Examination Monitor on Wednesday, April 25, 2006.

Mr. Hadley will be assisted by Mrs. Baugess and Mrs. Clark.



Board Members designated Mr. Hadley to represent the Board at the Apprentice Seminar scheduled for March 16, 2006 at the Ohio Funeral Directors Association headquarters in Columbus.



The Staff Committee will meet at 8:30 am on Tuesday, February 14, 2006. The Executive Director will invite Joy Estose, Human Resource Manager of Central Service Agency to speak with the committee members.



Board Members received an invitation to attend a three-hour Ethics Training Seminar on March 2, 2006 sponsored by the Attorney General's Office and the Ethics Commission. New Board Member, Mr. Primm, will attend the Seminar.

Board Members were reminded to submit their annual Financial Disclosure statements to the Ethics Commission before April 15, 2006.



Ms. Cunningham announced that she will serve two weeks on the Franklin County Grand Jury, sometime between January and May.



Ms. Cunningham reported that she attended a meeting of the Mass Fatality Strike Committee of Ohio Department of Health – Vital Statistics. The group is responsible for developing the segment of the plan dealing with death registration in the event of Pandemic Avian Flu.



Ms. Cunningham announced that she and Mrs. Baugess would not be attending the FARB Seminar this year, but plan to attend next year's program.



The Board staff will mail the Annual Preneed Contract Report Form for Calendar Year 2005 to all active funeral homes in Ohio before the February meeting. Funeral Homes must submit a signed form before March 30, 2006.



Licensure

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following applications for Crematory Facility license. Ayes: 7. Nays: 0. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Miami Valley Cr	Dayton	Montgomery	11/05/05
Quality Funeral Choices	Toledo	Lucas	02/02/05



On a motion by Mr. Hadley, seconded by Mrs. Cheney, 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. Abstain: 1. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>
Ohio River Valley Cr	Proctorville	Lawrence



Previously, 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 no. was issued the date of the final inspection.

<u>License no.</u>	<u>Crematory Facility</u>	<u>Location</u>	<u>Final inspection</u>
CR 00 0095	Twin State Cr Svc	Marietta	01/11/06



There were no applications for Embalming Facility license.



On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board approved the following application for Embalming Facility license **pending** receipt of the occupancy permit and final inspection by the Board. Ayes: 7. Nays: 0. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>
Cincinnati Mort Svc	Cincinnati	Hamilton



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



On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to table the application for funeral home license submitted for Myers-Woodyard Funeral Home.

Ayes: 7. Nays: 0. Motion approved.



On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board approved the following applications for Funeral Home license. Ayes: 7. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Ferrara FH	Garfield Hts	Cuyahoga	01/16/06
McNabb FH Inc	Columbus	Franklin	(leasing)
Stas FS	Cleveland	Cuyahoga	
Stroud-Lawrence-Brown FH	Chagrin Falls	Cuyahoga	12/27/05
Witt-Good & Kelsch	Cincinnati	Hamilton	04/25/05



There were no applications for Funeral Home license **pending** receipt of the occupancy permit and final inspection by the Board.



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.



On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board accepted the following individuals as having met the licensure requirements, and ratified the issuance of an embalmer and/or funeral director license number. Ayes: 7. Nays: 0. Motion approved.

<u>Applicant</u>	<u>Embalmer License No.</u>	<u>Funeral Director License No.</u>	<u>Date</u>
Larry T. Schildmeyer		9137	12/12/05
Andrew C. Specht	9175 A	9138	12/19/05
Samuel C. Ciriello		9139	01/09/06



The following individuals qualified and were issued registration numbers during the month of December 2005.

<u>Applicant</u>	<u>Embalmer Registration No.</u>	<u>Funeral Director Registration No.</u>	<u>Date</u>
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Amy L.	Slater		0193 06	12/20/05
Diane M.	Wisher	0127 06	0194 06	12/20/05
Nathan E.	Baker	0128 06	0195 06	12/27/05
Martin D.	Batsche	0129 06	0196 06	12/27/05
Lauren M.	Black	0130 06	0197 06	12/27/05
Monica R.	Brown	0131 06	0198 06	12/27/05
Robert E.	Burton	0132 06	0199 06	12/27/05
Ryan M.	Collins	0133 06	0200 06	12/27/05
Tracy L.	Gaines	0134 06	0201 06	12/27/05
Bobbie J.	Hixson	0135 06	0202 06	12/27/05
Jered W.	Knisley	0136 06	0203 06	12/27/05
Barbara E.	Kovacs	0137 06	0204 06	12/27/05
Sarah J.	Miles	0138 06	0205 06	12/27/05
Matthew S.	Milia	0139 06	0206 06	12/27/05
Wayne D.	Perkins	0140 06	0207 06	12/27/05
William W.	Roberts	0141 06	0208 06	12/27/05
Erika N.	Unzner	0142 06	0209 06	12/27/05
Timothy P.	West	0143 06	0210 06	12/27/05
Carmesha S.	Wolfe	0144 06	0211 06	12/27/05
Adam A.	Young	0145 06	0212 06	12/27/05



The following individuals certified an apprenticeship during the month of December 2005.

<u>First name/initial</u>	<u>Last name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Nathan E.	Baker	EMB/FD	Anderson Funeral Home 1357 East Second St Franklin Ohio 45005
Robert E.	Burton	EMB/FD	Brown-Dawson FH 330 Pershing Ave Hamilton Ohio 45011
Ryan M.	Collins	EMB/FD	Goebel Funeral Home 36 North Buckeye St Crooksville Ohio 43731
Tracy L.	Gaines	EMB/FD	Robinson-Walker FH 501 West St Genoa Ohio 43430
Barbara E.	Kovacs	EMB/FD	Sujkowski FH-Northpointe 114 East Alexis Rd Toledo Ohio 43612
Sarah J.	Miles	EMB/FD	Given-Dawson FH 186 Park Ave Coshocton Ohio 43812
Matthew S.	Milia	EMB/FD	Naegele, Kleb & Ihlendorf 3900 Montgomery Rd Norwood Ohio 45212
Wayne D.	Perkins	EMB/FD	Tufts-Schildmeyer FH 129 North Riverside Dr Loveland Ohio 45140
Amy L.	Slater	FD	Sharer-Stirling-Skivolocke 1000 South Union Ave

			Alliance Ohio 44601
Diane M.	Wisher	EMB/FD	Adams-Mason FH 791 East Market St Akron Ohio 44305
Adam A.	Young	EMB/FD	Paul R. Young FH 7345 Hamilton Ave Hamilton Ohio 45231

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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	123	165
Quarterly Master Reports	20	27
Board Interviews	5	8

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Brenda Cherry, applicant for registration, appeared before the Board to personally request permission to work full time during her apprenticeship. Ms. Cherry’s letter of request was denied during the December meeting. President Shank explained that the Board’s laws and rules mandate, with Board permission, that apprentices serve full time as apprentices and may work or attend school on a part-time basis for no more than twenty hours per week.

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Licensure Issue 1 - The Board Members reviewed a letter from Amanda L. Koch requesting permission to continue working full time while serving her apprenticeship. On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved Ms. Koch’s request to engage in part-time employment for no more than twenty hours per week at the Southeastern Ohio Regional Medical Center. Ayes: 7. Nays: 0. Motion approved.

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Licensure Issue 2 - The Board Members reviewed a letter from Deane A. Senn requesting reinstatement of embalmer license no. 8831 A and funeral directors license no. 8670. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved Ms. Senn’s request provided she complies with Section 4717.08 (C) of the Revised Code that states: “A holder of a lapsed embalmer’s or funeral director’s license may reinstate the license with the Board by paying the lapsed license fee established under Section 4717.07 of the Revised Code, except that if the license is lapsed for more than one hundred eighty days

after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement.” Ayes: 7. Nays: 0. Motion approved.

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On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to table a request from Wendi M. Flor. Ayes: 7. Nays: 0. Motion approved.

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Licensure Issue 3 – The Board Members reviewed a letter from Steven L. Hensinger requesting permission to recertify his funeral director’s apprenticeship on a part-time basis. On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to deny Mr. Hensinger’s request to serve part time. Ayes: 7. Nays: 0. Motion approved. Secretary to inform Mr. Hensinger that Section 4717.05 (A)(6) states: “The applicant has satisfactorily completed at least one year of apprenticeship under an embalmer licensed in this state and has assisted that person in embalming at least twenty-five dead human bodies.”

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Licensure Issue 4 – Mrs. Clark distributed copies of apprentice Mark Burr’s detailed report on his experience working the area devastated by Hurricane Katrina.

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Fiscal

Ms. Wright presented the fiscal report to the Board. Board Members reviewed the revenue journal with a balance as of \$39,656.38 as of the end of December and voucher journal with 48 vouchers and encumbrances for December. Also, the Board reviewed a comparison chart of expenditures to date.

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New Business

Mr. Primm and the Board expressed sympathy to Mrs. Clark for the loss of her sister-in-law and to Ms. Wright for the loss of her father.

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The Board members reviewed various news articles.

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Committee Reports

There was no report from the Apprenticeship Committee.



The Continuing Education Committee met at 11:00 A.M. before for the Board meeting to review continuing education applications for approval.



There was no report from the Staff Committee.



Inspectors' Reports

From December 12, 2005 through January 21, 2006, Inspector Savage reported that he drove 1,106 miles in the counties of Ashtabula, Columbiana, Cuyahoga, Lorain, Portage, Stark, and Summit.

Crematory facility inspections	0
Funeral home inspections	46
Violations discovered	3
Investigations activities	7
Apprentices monitored	0
Hearings	0



From December 12, 2005 through January 21, 2006, Inspector Wisby drove 1,641 miles in the counties of Franklin, Hamilton, Lawrence and Logan.

Crematory facility inspections	2
Funeral home inspections	18
Violations discovered	0
Investigations activities	2
Apprentices monitored	4
Hearings	0



Compliance

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



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 December 2005.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 001274	Craven & Snyder FH	Chad J. Snyder	Morrow (59)
FH 002720	Crosby-Edwards FH	David R. Adams	Franklin (25)
FH 001967	Holan-Komorowski FH	Frank Tkacz	Cuyahoga (18)
FH 001171	Lucas FH	Brad L. Batton	Wyandot (88)
FH 002819	Morrow FH	David C. Morrow	Fayette (24)
FH 002818	Morrow FH	David C. Morrow	Fayette (24)
FH 001220	Rodenberger Funeral Home	Jerrie L. Rodenberger	Henry (35)
FH 001060	Schermesser FH	John Schermesser	Summit (77)
FH 001059	Schermesser FH	Richard Schermesser	Summit (77)
FH 000857	Snyder FH	Chad J. Snyder	Morrow (59)



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

<u>I. D. #</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
FH 002720	Crosby-Edwards FH	David R. Adams	Franklin (25)
FH 001967	Holan-Komorowski FH	Frank Tkacz	Cuyahoga (18)
FH 001171	Lucas FH	Daniel P. Lucas	Wyandot (88)
FH 001220	Rodenberger Funeral Home	Mark Feehan	Henry (35)
FH 001060	Schermesser FH	John Schermesser	Summit (77)
FH 001059	Schermesser FH	Richard Schermesser	Summit (77)
FH 000857	Snyder FH	Chad J. Snyder	Morrow (59)



Compliance Issue 2 – The Board approved a request by Richard D. Geib, II, president of Linn-Hert-Geib Funeral Home, Inc. to change the firm title of the “North Dover Crematory” to the “Tuscarawas Valley Crematory Service.” Crematory license No. CREM 000022 located in New Philadelphia is closed.



Compliance Issue 3 – The Board approved a request by Mary J. Dick Hellwarth and Carol Dick to change the firm titles of the “W.H. Dick & Sons Funeral Home” to “W.H. Dick & Sons – Hellwarth Funeral Home” located in Celina and Mendon. Secretary to change the titles upon receipt of properly completed amendments naming Ms. Hellwarth as the funeral director actually in charge and ultimately responsible for both funeral homes.



Compliance Issue 4 – On a motion by Mr. Tunnell, seconded Mr. Hadley, the Board approved the request by Mildred Lois Norton to continue the operation of the Norton Funeral Home in Wellington after the death of her husband, William G. Norton. Secretary to inform Mrs. Norton that she may operate for twelve months, and that she has the option of requesting a second year or submitting a new application for funeral home license in the next renewal. A new application for funeral home license must be submitted by December 28, 2007.



Compliance Issue 5 – The Board approved a request to change the firm title of the “Bryan Funeral Home” to the “Bryan & Snider Funeral Home” located in Zanesville.



On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board voted to table a request for reinstatement of a revoked funeral director’s license submitted by Michael Dwight Kirkland. Ayes: 7. Nays: 0. Motion approved.



Mrs. Baugess reported that Charles Robinson submitted his tax information as required by the terms of his settlement, and that the trustee for the Robert Tate preneed account submitted the monthly report as required by settlement.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board went into executive session pursuant to Section 121.22(G)(1) of the Revised Code, to consider complaints and possible disciplinary action against licensees, and Section 121.22(G)(3) of the Revised Code to conference with the Board's counsel to consider pending litigation. Roll call vote; Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

The President declared the Board out of executive session.



Mark Kassouf, Assistant State Registrar, Ohio Department of Health, Office of Vital Statistics, spoke with the Board Members about the proper completion of a death certificate when an out-of-state funeral home contacts an Ohio funeral home to pick up

and/or embalm a dead human body. According to Mr. Kassouf, the out-of-state funeral director is required to sign the Ohio Certificate of Death as the funeral director. Ohio funeral directors should not sign the signature of the out-of-state funeral director. Mr. Kassouf distributed copies of Section 4705.16 of the Revised Code – State of facts in certificates; certification of cause of death.

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On a motion by Mr. DeJohn, seconded by Mr. Tunnell, 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; Tunnell, Aye.

The President declared the Board out of executive session.

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Major Jones, Jr. appeared before the Board and spoke concerning the charge against him, and his failure to request a hearing or offer objections to the Hearing Officer's Report and Recommendation. There were no questions for Mr. Jones from the Board Members.

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On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board went into executive session pursuant to Section 121.22(G)(1) of the Revised Code, to consider complaints and possible disciplinary action against licensees, and Section 121.22(G)(3) of the Revised Code to conference with the Board's counsel to consider pending litigation. Roll call vote; Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

The President declared the Board out of executive session.

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On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to remove from the table a request by Wendi M. Flor. Ayes: 6. Nays: 1. Motion approved.

On a motion by Mr. Hadley seconded by Mr. Tunnell, the Board approved Ms. Flor's request to apply for registration as an embalmer and a funeral director. Ayes: 7. Nays: 0.

Motion approved.



On a motion by Mr. Tunnell, seconded by Mr. Primm, the Board voted to remove from the table a request by Michael Dwight Kirkland. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to deny a request for reinstatement of a revoked funeral director's license submitted by Michael Dwight Kirkland because Mr. Kirkland violated Section 4717.14(A)(2) of the Revised Code as Mr. Kirkland was convicted of or has pleaded guilty to a felony or a crime involving moral turpitude, specifically his convictions for insurance fraud, and two counts of forgery in 1996. The convictions are also violations of Section 417.14(A)(4) of the Revised Code as they constitute immoral or unprofessional conduct. Mr. Kirkland's application for relicensure is also denied because he does not fulfill the requirements for a funeral director under Section 4717.05(C) (1) of the Revised Code because he does not have a bachelor's degree. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the removed from the table the application for funeral home license submitted for Myers-Woodyard Funeral Home. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board approved the following application for Funeral Home license. Ayes: 7. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Myers-Woodyard FH	Groveport	Franklin	01/16/06



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to charge Dean Woodyard and the Myers Woodyard Funeral Home with violation of Section 4717.04(9)(B) for violating Section 4717.11(A) of the Ohio Revised Code, which requires the filing of an application for a new funeral home license within 30 days of the change in ownership. a thousand dollars (\$1,000.00) fine imposed against Dean

Woodyard and the Myers Woodyard Funeral Home collectively. Additionally, this license is suspended indefinitely, beginning thirty (30) days from February 9, 2006, until the fine is paid in full. However, if the licensee waives the right to an administrative hearing and if payment by certified check or money order is received by the Board within thirty (30) days, no license suspension will take effect. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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

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On a motion by Mr. Tunnell, seconded by: Mr. Hadley, the Board voted to charge Wendell L. Brogdon and the Brogdon and Son Funeral Home and licensee with a violation of Sections 4717.14(A)(3) for violating 4717.06(B)(4) of the Ohio Revised Code, which requires that a funeral home be directly supervised by a licensed funeral director and for violating 4717.14(A)(4) of the Ohio Revised Code, for immoral or unprofessional conduct. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to charge complaint Gregory J. Routson and the Routson Funeral Chapel with violation of Section 4717.14 (A)(10) of the Revised Code, licensee mislead the public by using false or deceptive advertising by misstating competitor pricing in a newspaper advertisement. Pursuant to Section 4717.15 of the Ohio Revised Code, The State of Ohio Board of Embalmers and Funeral Directors recommends a fine of one thousand dollars (\$1,000.00) imposed against Routson Funeral Chapel and Gregory Routson collectively. Additionally, this license is suspended indefinitely, beginning thirty (30) days from February 7, 2006, until the fine is paid in full. However, if the licensee waives the right to an administrative hearing and if payment by certified check or money order is received by the Board within thirty (30) days, no license suspension will take effect. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to charge Edward J. Reis, Jr. and the Meyer-Boehmer & Reis Funeral Home with violation of Section 4717.14(A)(4) of the Ohio Revised Code, for immoral or unprofessional conduct; specifically, for forging signatures on the statement of goods and services for Ruth Zirkle. Pursuant to Section 4717.15 of the Ohio Revised Code, The State of Ohio Board of Embalmers and Funeral Directors recommends a fine of two thousand five hundred dollars (\$2,500.00) imposed against Edward J. Reis, Jr. and the Meyer-Boehmer & Reis Funeral Home collectively. Additionally, this license is suspended indefinitely, beginning thirty (30) days from February 7, 2006, until the fine is paid in full. However, if the licensee waives the right to an administrative hearing and if payment by certified check or money order is received by the Board within thirty (30) days, no license suspension will take effect. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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On a motion by Mr. Tunnell, seconded Mr. Primm, the Board voted to rescind the charges against Merle L. Owen and the Merle Owen Funeral Home for violation of Section 4717.(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code as the sections incorporate Section 1111.19 of the Revised Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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The Board considered the report and recommendation submitted by Marc E. Myers, Hearing officer, for a hearing held on October 4, 2005. in which Robert L. Gibson, III was charged with violation of Section 4717.14(A)(2) of the Revised Code, applicant or licensee has been convicted of or has pleaded guilty to a felony or any crime involving moral turpitude, and Section 4717.14(A)(4) RC, applicant or licensee has committed immoral or unprofessional conduct. Specifically, Mr. Gibson was convicted of one count of criminal mischief M-1 violation of N.C.O. 541.04(A)(1), one count of aggravated trespass M-1 violation of N.C.O. 541.051 and four counts of criminal mischief violation of N.C.O. 541.03(A)(1) and two counts of criminal mischief violation of Section 2907.07(A)(1) of the Revised Code.

The following motions were made pursuant to the report and recommendation:

Motion by Mr. Tunnell, seconded by Mr. Primm to approve the Hearing Officer's finding of facts. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

Motion by Mr. Hadley, seconded by Mr. Tunnell to approve the hearing Officer's Conclusions of Law. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

Motion by Mr. Tunnell, seconded by Mrs. Cheney, to approve the Hearing Officer's Recommendation. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

The Board ordered the revocation of embalmer license no. 008225 and funeral director license no. 007832 held by Robert L. Gibson, III. The revocation begins on February 13, 2006.



The Board considered the report and recommendation submitted by Marc E. Myers, Hearing officer, for a hearing held on October 4, 2005. in which Major Jones, Jr. was charged with violation of Section 4717.14 (A)(2) of the Revised Code; the licensee has been convicted of or has plead guilty to a felony or of any crime involving moral turpitude; and Section 4717.14(A)(4) of the Revised Code for unprofessional conduct; specifically, the licensee was found guilty of Theft, a violation of Section 2913.02(A)(3) & (B)(2) of the Revised Code, a felony of the fourth degree, for stealing in excess of \$66,000.00 from Tate Funeral Home.

The following motions were made pursuant to the report and recommendation:

Motion by Mr. Tunnell, seconded by Mr. Primm to approve the Hearing Officer's finding of facts. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

Motion by Mr. Tunnell, seconded by Mr. Hadley to approve the hearing Officer's Conclusions of Law. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

Motion by Mr. Tunnell, seconded by Mr. Primm, to approve the Hearing Officer's Recommendation. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

The Board ordered the revocation of embalmer license no. 007632 and funeral director license no. 006999 held by Major Jones, Jr.. The revocation begins on February 13, 2006.



The Board considered the report and recommendation submitted by Marc E. Myers, Hearing officer, for a hearing held on October 4, 2005. in which Willard R. Mills, and the McClave-Chandler-Mills Funeral Home were charged with violation of Section 4717.14 (A)(4) of the Revised Code, for Unprofessional Conduct; specifically for failure to comply with the requirements of Section 1111.19 (C) of the Revised Code, to deposit payments for the preneed contracts of Marsha and Donald Fusco within thirty days with the designated trustee.

The following motions were made pursuant to the report and recommendation:

Motion by Mr. Hadley, seconded by Mr. Primm to approve the Hearing Officer's finding of facts. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

Motion by Mr. Hadley, seconded by Mr. Primm to approve the hearing Officer's Conclusions of Law. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

Motion by Mr. Hadley, seconded by Mr. Primm, to modify the Hearing Officer's Recommendation. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

The Board ordered the suspension of embalmer license no. 007114 and funeral director license no. 006359 held by Willard R. Mills and funeral home license no. 001578 held by Willard R. Mills for sixty days. The suspension begins on February 13, 2006.

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The Board recessed at 5:32 P.M.

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Tuesday – January 24, 2006

The Board reconvened at 8:10 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, Kurtis 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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Board Members received a news article concerning HB 484 – Funeral Protests. The news article described the actions of a Baptist church in Kansas that pickets soldiers' funerals across the country. State Rep John Bocceri introduced legislation to protect grieving families from such protests.

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Board Members discussed the need to "fix" the preneed problem. The main concern raised was "With the increase in complaints involving preneed, what can the Board do today with our existing authority to educate consumers and provide clear guidance for licensees?" The Board asked for copies of preneed regulation from other states in order to devise a plan of action. Maryland, for instances, requires funeral homes to have their preneed accounts audited by a certified public accountant, and in West Virginia, a section

of the Attorney General's Office is responsible for preneed. The Board Members expressed their willingness to be proactive in resolving the situation.



Continuing education

The list of continuing education programs considered by the Board during the January 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. 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. Hadley, seconded by Mr. Primm, the Board approved, and where indicated denied the Blanket Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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

On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board approved the following applications for exemption and waiver of the continuing education requirements.

Application for Waiver or exemption 2002-2004

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
X		Perkins, Robin	granted

Application for Waiver or exemption 2004-2006

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
	X	Tarvin, Jeffrey Keith	Granted
	X	Thompson, Michelle R.	granted

Application for Waiver or exemption 2006-2008

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
X		Short, William L	granted

On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved a program submitted by Eric Fogarty, President of Dodds Monuments given on June 24, 2005, after reviewed the additional information. Ayes: 7. Nays: 0. Motion approved. Secretary to stress to Mr. Fogarty that plant tours and class discussion are two separate activities.



On a motion by Mr. Tunnell, seconded by Mrs. Cheney, the Board meeting adjourned at 9:06 A.M. Ayes: 7. Nays: 0. Motion approved.

