

Monday – February 13, 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 1:05 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. Hadley, seconded by Mr. Jones, the Board approved, as amended, the minutes of the meeting held on January 23-24, 2006. Ayes: 6. Nay: 0. Motion approved.

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Director's Report

Ms. Cunningham reported that there was action to report concerning the consolidation of twenty boards and commissions.

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Ms. Cunningham reported that Mr. Hadley monitored the examinations on January 25, 2006. Mr. Hadley received per diem and allowable travel expenses.

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

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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.

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The Board staff sent the Annual Preneed Contract Report Form for Calendar Year 2005 to the mail service. Funeral Homes must submit a signed form before March 30, 2006.

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Ms. Cunningham reported that at the conclusion of mediation between the State of Ohio and OCSEA/AFSCME Local 11, one issue remained between them. Citing the two-year wage freeze among many items, Harry Graham, Fact-Finder, recommended there occur three wage increases as follows: July 1, 2006 – 3%, July 1, 2007 – 3.5%, and July 1, 2008 – 3.5%.



President Shank and Mr. Primm will represent the Board at the Ohio Directors Association Legislative Reception held on March 14, 2006.



Board members received copies of three reference items concerning preneed; Proposed Federal Regulation 2004, Maryland Preneed law, and West Virginia Preneed law. The Board determined that first order of business consisted of proposing amendments to the Board rules. The long term plan includes, the number of preneed trusts, number of trusted preneed contracts and number of insurance-funded preneed contracts, identity of other state agencies tied to preneed and meeting with the identified state agencies to resolve the preneed issue, research of preneed laws of other states, and possible legislative action,



Licensure

There were no applications for Crematory Facility license.



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



There were no applications for Crematory Facility license previously approved by the Board, and which the Board office received receipt an occupancy permit, and the Board inspector performed a final inspection.



There were no applications for Embalming Facility license.



On a motion by Mr. Hadley, seconded by Mr. Primm, 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>
Mandley-Vetrovsky Emb Fac	Cleveland	Cuyahoga



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



On a motion by Mr. DeJohn, seconded by Mr. Hadley, 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>
Fleming & Billman FD	Geneva	Ashtabula	06/23/04
Fleming & Billman FD	Jefferson	Ashtabula	09/23/05
Fleming & Billman FD	Ashtabula	Ashtabula	09/21/05
Megie-Riggs FH	Mt Orab	Brown	03/10/05



On a motion by Mr. Hadley seconded by Mr. Primm, 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>
Rodman Neeper FH	Delaware	Delaware
Rossi Lellio FH	Lowellville	Mahoning



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 #</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Final inspection</u>
FH 002833	Brickman Bros FH	Willoughby	02/08/06



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



There were no individuals who met the licensure requirements, and therefore there was no ratification of the issuance of an embalmer and/or funeral director license number.



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

<u>Applicant</u>		<u>Embalmer Number</u>	<u>Funeral Director Number</u>	<u>Date Registered</u>
Robert J.	Dillon	0146 06	0213 06	01/17/06
Wendi M.	Flor	0147 06	0214 06	01/23/06
Eric M.	Weaner	0148 06	0215 06	01/23/06
Stephanie R.	Dyer	0149 06	0216 06	01/25/06
Laurita M.	Jones		0217 06	01/25/06
Gayle Y.	Renfro		0218 06	01/25/06
Celeste M.	Rybicki		0219 06	01/25/06



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

<u>First name/initial</u>	<u>Last name</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Martin D.	Batsche	EMB/FD	Tobias Funeral Home 648 Watervliet Ave Dayton Ohio 45420
Robert J.	Dillon	EMB/FD	Lane FH, Roberts-Clark FC 180 Garfield Dr Warren Ohio 44483
Stephanie R.	Dyer	EMB/FD	Cahall Funeral Home 204 West State St Georgetown OH 45121
Wendi M.	Flor	EMB/FD	Tobias Funeral Home 648 Watervliet Ave Dayton Ohio 45420
Cortney B.	Harris	EMB/FD	Hahn-Hostetler-Silva FH 98 117 th St Akron Ohio 44203
Celeste M.	Rybicki	FD	Rybicki & Son FH 4640 Turney Rd Garfield Hts Ohio 44125
Erika N.	Unzner	EMB/FD	Behm Family FH 26 River St Madison Ohio 44057
Timothy P.	West	EMB/FD	David R. Jasin FH 5300 Summit St Toledo Ohio 43611



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	118	225

Quarterly Master Reports	19	37
Board Interviews	7	12

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Matthew Maxwell, applicant for reciprocal license from the state of Pennsylvania, appeared before the Board. On a motion by Mr. Hadley, seconded by Mrs. Cheney, the Board approved Mr. Maxwell's application. Mr. Maxwell must successfully pass the Ohio Laws examination conducted in April 2006. Ayes: 7. Nays: 0. Motion approved.

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Licensure Issue 1 - The Board Members reviewed a letter from Raquel L. Banks, application for reciprocal license. Mrs. Banks requested that she be allowed to meet with all the Board members in the Cleveland area rather than travel to Columbus for a monthly Board meeting. Reciprocal applicants consistently meet with where the Board collectively gathers, in Columbus. On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board voted to deny Mrs. Banks' request. Ayes: 7. Nays: 0. Motion approved.

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Licensure Issue 2 - The Board Members reviewed a letter from Monica R. Brown requesting permission to work part time outside her apprenticeship for fifteen hours. On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved Ms. Brown's request, provided she works no more than twenty hours a week at her part-time employment. Ayes: 7. Nays: 0. Motion approved.

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The Board reviewed the grades of the Ohio laws examinations and the Funeral Service Arts examinations written on January 26, 2006. On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board voted to 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 a properly completed application and the initial licensees. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Prim, Aye; Shank, Aye; Tunnel, Aye. Motion approved. A list of applicants, their scores, and license numbers will be entered into the journal.

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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 \$47,160.36 as of the end of January and voucher

journal with 46 vouchers and encumbrances for January. Also, the Board reviewed a comparison chart of expenditures to date.



New Business

The Board members reviewed various news articles.



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.



The Preneed Committee is scheduled to meet at 9:00 A.M. on Monday, March 13, 2006.



The Staff Committee will meet immediately after the Board meeting on Wednesday, February 14, 2006



Inspectors' Reports

From January 8, 2006 through February 4, 2006, Inspector Savage reported that he drove 1,824 miles in the counties of Cuyahoga, Lorain, Mahoning, Trumbull, and Washington.

Crematory facility inspections	4
Embalming Facility inspections	0
Funeral home inspections	74
Violations discovered	0
Investigations activities	7
Apprentices monitored	0
Hearings	0



From January 8, 2006 through February 4, 2006, Inspector Wisby drove 2,493 miles in the counties of Clark, Clermont, Fayette, Franklin, Greene, Hamilton, Hancock, Hardin, Lawrence, Logan, Meigs, Montgomery, Ross, and Wood.

Crematory facility inspections	5
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Embalming Facility inspections	0
Funeral home inspections	55
Violations discovered	4
Investigations activities	4
Apprentices monitored	0
Hearings	0



Compliance

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



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 January 2006.

<u>I. D. #</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
FH 002603	Burr FH	Gary M. Burr	Defiance (20)
FH 002131	Hahn-Hostetler-Silva	John D. Bokas	Summit (77)
FH 000687	Norton FH	M. Lois Norton	Lorain (47)
FH 002731	W.H. Dick & Sons FH	Mary Jo Dick Hellwarth	Mercer (54)
FH 002730	W.H. Dick & Sons FH	Mary Jo Dick Hellwarth	Mercer (54)



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

<u>I. D. #</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
FH 002717	Bierie Edwards FH	Jeffery L. Edwards	Franklin (25)
FH 002309	Fares J. Radel FH	Jackie J. Hahn	Hamilton (31)
FH 002415	Frank Tkacz FH	Robin M. Faulhaber	Cuyahoga (18)
FH 002131	Hahn-Hostetler-Silva	Kevin L. Boso	Summit (77)
FH 000687	Norton FH	M. Lois Norton	Lorain (47)
FH 001910	Rybicki & Son FH	Charles R. Walter	Cuyahoga (18)
FH 002710	Vorhis FH	Matthew C. Strefelt	Hamilton (31)
FH 002730	W.H. Dick & Sons FH	Mary Jo Dick Hellwarth	Mercer (54)
FH 002171	Witt,Good & Kelsch	Thomas C. Kelsch	Hamilton (31)



Compliance Issue 2 – The Board reviewed a letter dated January 31, 2006 from Dan Cosic, which stated that the Dan Cosic Funeral Home located at 17010 Lake Shore

Boulevard ceased all business. Mr. Cosic submitted the display license and a clearly-enumerated list of all preneed.

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On a motion by Mr. DeJohn, seconded by Mr. Jones, 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 considered and closed two (2) 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. DeJohn, seconded by Mr. Primm, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the Miller Funeral Home, Inc., License no. FH 000064 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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 accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the Vornholt-Miller Funeral Home, Inc., License no. FH 001821 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated

settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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 accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the Mosinski Funeral Home, Inc., License no. FH 001724 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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. Primm, seconded by Mr. Hadley, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the O'Shaughnessy Funeral Home, License no. FH 001769 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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. Jones, seconded by Mr. DeJohn, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the McClave-Chandler-Mills Funeral Home, Inc., License no. FH 001578 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been

received. 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. Primm, seconded by Mrs. Cheney, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the McClave-Chandler-Mills Funeral Home, Inc., License no. FH 000607 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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. Primm, seconded by Mr. Tunnell, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the Eichholtz Funeral Home, License no. FH 002197 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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. Primm, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the Eichholtz Funeral Home, License no. FH 001997 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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 Mrs. Cheney, seconded by Mr. DeJohn, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the Eichholtz Funeral Home, License no. FH 001609 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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. Primm, seconded by Mr. Jones, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General, with the Kauffman-Eichholtz Funeral Home, License no. FH 002435 for violation of Section 4717.14(A)(4) of the Revised Code and Section 4717-1-25 of the Administrative Code, for unprofessional conduct, specifically for failure to file an annual preneed contract report for the calendar year 2004. The signed settlement agreement, negotiated settlement fee and the annual preneed contract report for calendar year 2004 have been received. 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 remove from the table a request for reinstatement of licenses from Michael Z. Czup. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to approve a request for reinstatement of the embalmer and funeral director licenses of Michael Z. Czup. provided Mr. Czup successfully passes the Ohio laws examination and remits the required renewal and penalty fees. Ayes: 7. Nays: 0. Motion approved.

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The Board recessed at 3:30 P.M.

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Tuesday – February 14, 2006

The Board reconvened at 8:00 A.M. in the Board Office on the 16th Floor of the Riffe Center. President Robert L. Shank presided. Present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones, Roger Primm, 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.



Continuing education

The list of continuing education programs considered by the Board during the February 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. DeJohn, the Board approved, and where indicated denied, the Prior Approval continuing education programs, and Individual continuing education programs. Ayes: 7. Nays: 0. Motion approved.

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

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

Application for Waiver or exemption 2004-2006

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
	X	La Mont L. Ickes	Granted



On a motion by Mrs. Cheney, seconded by Mr. Primm, the Board meeting adjourned at 8:08 A.M. Ayes: 7. Nays: 0. Motion approved.