

Monday – February 26, 2007

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. Ross C. DeJohn, Sr., President, called the meeting to order at 1:00 P.M. Other Board members present were: John J. Hadley, Pernel Jones, Roger Primm, Robert L. Shank, and Kurtis A. Tunnell. Also, present were: Zachary Dunlap, Assistant Attorney General; Matt Lampke, Deputy Section Chief, Cheryl Hawkinson, 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 Marie Lorz, Phyllis Byard, and Sarah Wurdlow of the Funeral Consumer Alliance. Also observing was Gregg Zamborsky, Leon Zawicki, and Douglas E. Wilson.

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On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved, as amended, the minutes of the meeting held on January 22-23, 2007. Ayes: 5. Nay: 0. Motion approved.

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Director's Report

Ms. Cunningham reported that she contacted the Governor's Office to inquire about the appointment of a Board Member, age 60 or older to represent consumers. The appointee would complete Mrs. Cheney's term, which ends on June 30, 2010. Ms. Cunningham informed the Governor's Office that the next Board Member term will be expire on June 30, 2007. This Board Member must be a licensed embalmer and funeral director with ten years of experience immediately prior to the appointment. Board Members were given instructions to access the Governor's new website and view the list of available appointments and the new board member application.

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Ms. Cunningham described a conference call initiated by the Governor's Office. Aaron Pickerell, Chief Operating Officer, and John Haessly, Chief of Staff for the Governor, offered appreciation for the work of the Boards and Commissions and both spoke of the sacrifices to be made in the budget for Fiscal Years 2008 and 2009.

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The Board's new Budget Analyst in the Office of Budget and Management is Suzette Thagard. Mr. DeJohn and Ms. Cunningham will meet with the Legislative Budget Office on Monday, March 12, to discuss the proposed budget.

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The Boards and Commissions Management Group met on February 22, 2007, and met were introduced to Jeff Ruppert, Deputy Legal Counsel and Malik Hubbard, Deputy Director of Boards and Commissions for the Governor's Office.

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Mr. Hadley assisted in monitoring the Ohio Laws Examination on January 31, 2007. Mr. Hadley received per diem and reimbursement for allowable travel expenses.

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Mrs. Baugess, Mr. Wisby and Ms. Cunningham reported on the FARB Forum that they attended February 2 – 4, 2007 in San Antonio, Texas.

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Mr. Primm and Inspector Savage spoke to the OFDA District #16 [Stark, Tuscarawas and Carroll counties] on February 15, 2007. Mr. Primm received per diem and reimbursement for allowable travel expenses.



Ms. Cunningham reminded the Board that she and Mr. Hadley are on the program for the Ohio Embalmers' Association meeting on February 28, 2007 in Wilmington, Ohio.



Mr. Shank will represent the Board at the OFDA Legislative Reception on March 13, 2007.



Mr. Hadley and Mrs. Baugess will participate in the OFDA Apprenticeship Seminar on March 8, 2007.



Ms. Cunningham will attend the Association of Executives of Funeral Service Boards will meet April 20, 2007, in Nashville, and the International Conference of Funeral Service Examining Boards will open its annual convention on April 21, 2007, in Nashville.



Board Members were reminded that their Financial Disclosure Statements are due before April 15, 2007.



Board Members were informed that the OFDA Annual Convention will be held May 9-11, 2007



Licensure

There were no applications for crematory facility license offered for the Board's consideration.



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

<u>Facility</u>	<u>Location</u>	<u>County</u>
Hillcrest Mem Pk Cem Assoc	Bedford Hts	Cuyahoga
Oakwood Cr	Covington	Darke



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



There were no applications for embalming facility license offered for the Board's consideration.



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



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



On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved the following applications for funeral home license. Ayes: 6 Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Mark L Brown Fs	Solon	Cuyahoga	Leasing
Davis-Babcock FH	Willoughby	Lake	10/26/06
Girton-Schmidt-Boucher FH	Easton	Preble	07/31/06
McPeck FH	Granville	Licking	09/12/06
Sujkowski FH	Toledo	Lucas	02/23/06
Willis FH Inc	Gallipolis	Gallia	10/31/06

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

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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 00	Lambert-Tatman	Belpre	01/24/07

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

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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: 6. Nays: 0. Motion approved.

<u>Embalmer lic no.</u>	<u>Funl Dir lic no</u>	<u>Name</u>	<u>City</u>
	9203	Joy Mooney	West Virginia

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The following individuals qualified and were issued funeral director registration numbers during the month of January 2007.

<u>Regis No.</u>		<u>Name</u>	<u>City</u>	<u>Effective</u>
Reg-0295	FD	Angela Engle	Bowling Green	01/22/07
Reg-0202	EMB	Angela Engle	Bowling Green	01/22/07
Reg 0295	FD	Douglas Gretta	Maple Hts	01/18/07
Reg 0297	FD	Gregory Herrmann	Cincinnati	01/30/07
Reg 0203	EMB	Gregory Herrmann	Cincinnati	01/30/07
Reg 0294	FD	Jamie Savage	Canfield	01/10/07

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The following individuals certified an apprenticeship during the month of January 2007.

<u>Cert No.</u>		<u>Name</u>	<u>Funeral Home</u>	<u>Effective</u>
Cert-0194	EMB	Shawn Reilly	Busch FH	01/20/07
Cert-0286	Fd	Shawn Reilly	Busch FH	01/20/07

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The Board office received and processed the following reports during the month of January 2007:

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	79	150
Quarterly Master Reports	13	25
Board Interviews	12	15

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Licensure Issue #1 – The Board reviewed a request from Brian A. Bellus concerning part-time employment during his funeral director’s apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to approve Mr. Bellus’ request to serve as a volunteer fireman during his apprenticeship provided it involves no more than twenty hours per week. Ayes: 6. Nays: 0. Motion approved.

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Licensure Issue #2 – The Board reviewed a request from Andrew J. Mullen concerning the April examination. On a motion by Mr. Hadley, seconded by Mr. Jones, the Board voted to deny Mr. Mullen’s request to sit for the April Ohio Laws Examination because he will not terminate by the deadline. Aye: 6. Nays: 0. Motion approved.

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The Board reviewed the grades of the Ohio Laws Examination that were written on January 31, 2007. 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 a funeral director license number, pending receipt of a properly completed application and the initial license fee. The two-year funeral director applicants will also need proof of successfully passing the Funeral Service Arts Examination. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye. Motion approved. A list of applicants, their scores, and licensed numbers will be entered into the journal.

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Fiscal

Board Members, with the assistance of Miss Wright, reviewed the revenue journal with a balance as of \$611,439.96 as of the end of January, which includes \$554,550.00 from the lockbox operation that collects the biennial renewal. Also, the Board reviewed the voucher journal with 59 vouchers and encumbrances for January, and a comparison chart of expenditures to date.

Members received a copy of the Board’s Turnaround Ohio Initiatives and Agency Priority Section of the Fiscal Years 2008-2009 Executive Budget Document

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Compliance

Cheryl Hawkinson, Assistant Attorney General, temporarily replaced Mr. Dunlap as the Board's counsel. Mr. Dunlap left the meeting room.

On a motion by Mr. Shank, seconded by Mr. Primm, 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: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Previously, the Board denied a request by Michael D. Kirkland to be relicensed as a funeral director. The request was denied because Mr. Kirkland violated Section 4717.14(A)(2) of the Revised Code as Mr. Kirkland has been 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 4717.14(A)(4) of the Revised Code as they constitute immoral or unprofessional conduct. Mr. Kirkland's application for relicensure was 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.

The following motions were made pursuant to the report and recommendation of hearing officer, Marc E. Myers, on the hearing held September 8, 2006 concerning violations previously listed. Objections to the R & R were submitted by Mr. Kirkland for consideration prior to voting.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved the Hearing Officer's Finding of Facts. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

On a motion by Mr. Primm, seconded by Mr. Tunnell, the Board approved the hearing Officer's Conclusions of Law. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the Hearing Officer's recommendation. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Order of the Board

The Board denied the request of Michael D. Kirkland for relicensure as a funeral director because he does not meet the educational requirements found in Section 4717.05 of the Revised Code.



Mr. Dunlap returned to the meeting, and served as the Board's counsel

On a motion by Mr. Tunnell, 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: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.



Inspectors' Reports

From January 21, 2007 to February 17, 2007, Inspector Savage drove 1,419 miles in the counties of Guernsey, Morgan, Noble, Stark, and Washington. In addition, Inspector Savage and Mr. Primm presented a program at the OFDA District 16 meeting on February 15, 2007.

Crematory facility inspections	0
Embalming Facility inspections	0
Funeral home inspections	29
Violations discovered	0
Investigations activities	4
Apprentices monitored	0
Hearings	0



Inspector Wisby's report covered January 21, 2007 to February 17, 2007,, during which he drove 3,251 miles in the counties of Brown, Greene, Highland, Madison, Pickaway, and Ross. Mr. Wisby attended the FARB Forum in San Antonio, Texas on February 1-5, 2007.

Crematory facility inspections	1
Embalming Facility inspections	0
Funeral home inspections	14
Violations discovered	0
Investigations activities	4
Apprentices monitored	2
Hearings	0



Compliance

Mrs. Baugess reported that she attended the FARB Forum in San Antonio, Texas from February 1 -4, 2007, and that the program was informative including the interaction with other regulatory boards. In addition, Mrs. Baugess reported that the fingerprint bill is ready to be introduced.



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 January.

<u>License #</u>	<u>Funeral Home</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH001729	Chamberlain-Huckeriede	Chamberlain, Jean	AIC	Allen
FH001729	Chamberlain-Huckeriede	Huckeriede, David	MGR	Allen
FH002216	Hanneman Funeral Home	Hanneman, Mercene	MGR	Henry
FH000049	Jagers & Sons FH	Jagers, Timothy	AIC	Athens
FH000049	Jagers & Sons FH	Jagers Timothy	MGR	Athens

FH002827	Myers Woodyard FH	Guth, Scott	MGR	Franklin
FH001843	Schoedinger Worthington	Chambers, Kenneth	MGR	Franklin
FH002385	Snyder Funeral Home	Lehtomaa, Steven	MGR	Henry
FH002389	Walker Mortuary Inc	Walter, Scott	AIC	Henry
FH002389	Walker Mortuary Inc	Walter, Scott	MGR	Henry



Mrs. Baugess presented the following for Board consideration:

As of February 20, 2007, there are twenty-eight (28) complaints under investigation by the Board office, thirteen (13) charged complaints pending hearings, hearing officer reports/recommendations, Board Orders or compliance with Board Orders.

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

Complaint#	Issue	Situation
0707016	funeral bill dispute	Consumer is questioning charged for her mother's funeral. The mother entered a preneed contract in June 2000. In 2006 at the time of death, the daughter makes changes to the contract, which causes the funeral home to initiate a new contract instead of using the preneed. However they did use the pricing from 2000. The consumers changes end up costing approx. \$200 in additional to the cash advance charges. The contracts and information have been reviewed and there doesn't appear to be any discrepancies.
0712051	funeral bill dispute	A man had paid \$500 in 1997 towards his funeral. As this amount was not sufficient for services requested, there was not a guaranteed contract. At time of death, the wife decides to add additional services and paid the difference. The son believed the wife was taken advantage of by the funeral home. The wife says everything was fine and she was not taken advantage of by the funeral home.
0711048	Unprofessional funeral bill dispute	In 2004 the daughter enters into a preneed contract for her mother with the funeral home. In June 2006, the mother dies. Daughter informs funeral home and has a conversation with the funeral director. She feels the funeral director made some references to a priests' misconduct and overall didn't like the funeral director's attitude. The daughter (who is a nun) then decides to have the funeral visitation at a location other than the

		funeral home. She wants the body prepared and then taken to another funeral home and then taken to the visitation location. The funeral home follows all of the daughter's wishes. Daughter feels she was charged for services the funeral home didn't provide. The services in question are part of the "package" which states, "the package may include all or part of the following services." There was also an issue with the name on the death certificate, however that issue is resolved.
0711033	unprofessional	Complaint is from one of two sisters. She believed the funeral home should not have embalmed or held funeral services and burial for her father because there was an open police investigation into the death. The police detective told the funeral home they could proceed and also told the doctor it was fine to sign the death certificate.

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The Board received notice from the Scioto County Child Support Enforcement Agency that Erin E. Mullins default under a child support order. Pursuant to Section 3123.47 of the Revised Code, the Board is prohibited from issuing a license, permit, certificate, registration, or other authorization as a result of this determination. In addition, the Board is required to suspend any license that has been issued. The Board's decision to suspend or refuse to issue a new license will remain in effect until the Board received notice from the Franklin County Child Support Enforcement Agency that Ms. Mullins is no longer in default. On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to suspend the embalmer and the funeral director certificates of registration issued to Erin E. Mullins. Roll call vote: 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. Shank, the Board voted to charge Tandra L. Sargent with violation of Section 4717.14 (A) (2) of the Ohio Revised Code, for having been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude; and Section 4717.14 (A) (4) of the Ohio Revised Code, for committing immoral or unprofessional conduct. Roll call vote: 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 charge Charles W. Taylor, Jr. in complaint # 0711041 with violation of Section 4717.04(A)(9)(g) of the Ohio Revised Code, for misleading the public using false or deceptive advertising; specifically, for using the firm title other than the firm title of the licensed funeral home in an obituary. The Board recommended forfeiture per 4717.15 & 4717-1-30 (G) in the amount of \$1000.00. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

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Compliance Mail 1 – The Board reviewed a letter from Ann Miller concerning the sale of preneed contracts. The Board directed the Secretary to refer Ms. Miller to Attorney

General Opinion 2001-029, in particular syllabus #4, which states “A licensed life insurance agent who is not licensed as a funeral director pursuant to R.C. Chapter 4717 and who is employed by or affiliated with a funeral home violates 4717.13(A)(1) when he negotiates, prepares, and sells on behalf of the funeral home a preneed funeral contract for funeral services and good.”

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Compliance Mail 2 - The Board reviewed a letter Thomas A. Megie requesting a change of firm title. The Board accepted the change from: “Megie-Riggs Funeral Home” to “Megie Funeral Home.” Mr. Megie will return the display and renewal licenses. Secretary to remind Mr. Megie that all signage and advertisement must reflect the new firm title

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Compliance Mail #3 – The Board reviewed a letter from Joe R. Dunsford concerning the reinstatement of his embalmer and funeral director licenses. The Board approved Mr. Dunsford’s request provided he successfully passes the Ohio Laws examination and remit the renewal and penalty fees.

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On a motion by Mr. Shank, seconded by Mr. Hadley, the Board went into executive session pursuant to Section 121.22(G)(1) of the Revised Code, to consider appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Roll call vote: 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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The Board meeting recessed at 3:15 P.M.

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Tuesday – February 27, 2007

The Board reconvened at 8:00 A.M. in the Board Office on the 16th Floor of the Riffe Center. President Ross C. DeJohn, Sr. presided. Present were: John J. Hadley, Pernel Jones, Roger Primm, Robert L. Shank, Kurt A. Tunnell, Zachary Dunlap, Assistant Attorney General; 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. Hadley, 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: 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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The Board directed the Secretary to compose a letter to the Attorney General to request reconsideration of the termination, or at least an extension of the employment of Zachary Dunlap as an Assistant Attorney General. Since September of 2005, Mr. Dunlap has diligently served as the Board’s counsel, and the Board feels the continuation of his counsel is essential to the operation of the Board. Currently, the Board is involved in significant ongoing issues, and the Board needs an attorney with experience and a firm understanding of the situation to bring these issues to resolution.



The Board reviewed a request from Tina S. Holloway Lee concerning the penalty for late renewal. The Secretary will inform Ms. Lee that there is no provision in Chapter 4717 of the Revised Code to waive the penalty fee for late renewal.



Continuing education

The list of continuing education programs considered by the Board during the February 2007 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. Shank , 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: 6. Nays: 0. Motion approved.

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

On a motion by Mr. Shank, seconded by Mr. Hadley, 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	Lee H. Bieries	Granted
X		Mary W. Boyd	Granted
	X	Thomas, Leonhard, Jr.	Granted



Continuing Education Mail #1 – The Board reviewed a letter from Anthony J. Quahliero, Jr. requesting continuing education credit for a district meeting of the Mahoning, Trumbull and Columbiana Funeral Directors Association. The Board approved the request, but stressed the importance of submitting the CE#2 application by the deadline.



Fiscal Mail – The Board reviewed a letter from William E. Danner in which he requested a waiver of the late renewal penalty. On a motion by Mr. Shank, seconded by Mr. Jones, the Board voted to deny Mr. Danner’s request. Ayes: 6. Nays: 0. Motion approved.



On a motion by Mr. Jones, seconded by Mr. Primm, the Board meeting adjourned at 9:45 A.M. Ayes: 6. Nays: 0. Motion approved.