

Monday – March 19, 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; 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 of the Funeral Consumers Alliance of Central Ohio. Also observing was Barbara Hadley, Timothy L. Thorman, Gregg Zamborsky, John Zamborsky, Leon Zawicki, Sandra Zawicki, and Douglas E. Wilson.

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On a motion by Mr. Jones, seconded by Mr. Shank, the Board approved, as amended, the minutes of the meeting held on February 26-27, 2007. Ayes: 5. Nay: 0. Motion approved.

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Director's Report

Ms. Cunningham reported that Governor Strickland placed a temporary freeze on meal related expenditures, but not reimbursement for individual meals allowed on the travel rule.

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Ms. Cunningham reported that there would be an article in a future issue of the AARP magazine concerning preneed in Ohio.

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Mr. Hadley presented part of the program for the Ohio Embalmers Association's Spring Program on February 28, 2007. Mr. Hadley received per diem and allowable travel expenses. Ms. Cunningham attended the all-day program in Wilmington.

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Mr. Hadley Mrs. Baugess represented the Board at the Ohio Funeral Directors Apprentice Seminar on March 8, 2007. Mr. Hadley received per diem and allowable travel expenses.

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Mr. DeJohn and Ms. Cunningham met with the Legislative Service Commission Budget Analyst responsible for the Board's budget request. Mr. DeJohn received per diem and allowable travel expenses.

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On March 13, 2007, Mr. DeJohn, Mr. Primm, Mrs. Baugess, Mr. Dunlap and Ms. Cunningham met with the extended Preneed Committee to discuss a proposal offered by the Ohio Funeral Directors Association. Mr. DeJohn and Mr. Primm received per diem and allowable travel expenses.

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Mr. Shank, Mrs. Baugess, Mr. Wisby and Ms. Cunningham attended the Ohio Funeral Directors Legislative Reception on March 13, 2007. Mr. Shank received per diem and allowable travel expenses.

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

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Mr. Primm and Mr. Savage will represent the Board at the April 24th meeting of the Lorain County Funeral Directors Association. Mr. Primm will receive per diem and reimbursed for travel expenses.

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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.

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

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Ms. Cunningham reported that Governor Strickland issued Executive Order 2007-01S concerning Ethics, and ordered State Employees to take annual Ethics training. The Board Staff will attend training on June 12, 2007, arranged by the Central Service Agency. Board Member Ethics training will be provided by the Governor's Office at a later date.

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Board Members and Staff are required to change their password on ePay, a section of the OAKS system, and will be notified of the proper procedure.

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Board Members received a copy of a news release, dated December 13, 2007, in which the Federal Trade Commission announced a new brochure that explains consumer rights under Federal law.

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Person Before the Board

Gregg Zamborsky appeared before the Board to voice his anger over the lengthy processing of a complaint, and he demanded that the Executive Director and the Board Members resign and vacate their appointed positions.

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Licensure

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

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

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

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

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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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On a motion by Mr. Hadley, seconded by Mr. Primm, 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>
Atkinson-Feucht-Shaidnagle	Navarre	Stark	01/31/07
Atkinson-Feucht-Shaidnagle	Massillon	Stark	01/31/07
Ingling, Williams, Maley	South Charleston	Clark	11/06/06
Ingling, Williams, Maley	Cedarville	Clark	01/31/07
Jackson, Lytle, Williams, Maley	Springfield	Clark	11/05/07
Jackson, Lytle, Williams, Maley	Yellow Springs	Greene	01/31/07
Kowalk	Hamilton	Butler	02/20/06
Walter-Schoedinger	Urbana	Champaign	09/11/06

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

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

Person Before the Board

Timothy Thorman, a reciprocal applicant from Utah, appeared before the Board as a requirement for reciprocal licensure. After questioning by the Board Members, the Board voted on a motion by Mr. Hadley, seconded by Mr. Tunnell, to permit Mr. Thorman to sit for the April 2007 Ohio Laws Examination. Ayes: 6. Nays: 0. Motion approved. Reciprocal applicants must successfully pass the required examinations, and submit completed applications with the initial fee before the Board grants an embalmer and/or a funeral director license number.

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Licensure Issue #1 – The Board reviewed a request from Jean Pastore concerning the number of embalming cases required to complete her embalmer’s apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to approve Mrs. Pastore’s request assist with embalming at the Weber Funeral Home so that she meet the requirement of twenty-five cases. Ayes: 6. Nays: 0. Motion approved.

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Licensure Issue #2 – The Board reviewed a request from Andrew J. Mullen concerning Administrative Rule 4717-1-14(M) which states “Upon successful completion of the apprenticeship, an apprentice may continue to serve under the direct supervision of a licensed funeral director or embalmer only until the date of the release of grades of the first examination for which the apprentice is eligible to sit. On a motion by Mr. Shank,

seconded by Mr. Hadley, the Board voted to approve Mr. Mullen’s request to continue embalming and funeral directing under the supervision of a licensed embalmer and a licensed funeral director after he changes employment. Aye: 6. Nays: 0. Motion approved.



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

License #	Name	City/St	Date
Dual-9226 FD-9204	Baker, Nathan E.	Franklin	03/19/07
Dual-9227 FD-9205	Batsche, Martin D.	Dayton	03/19/07
FD-9206	Beesley, Marilyn R.	Newark	03/19/07
Dual-9228 FD-9207	Burton, Robert E.	Hamilton	03/19/07
Dual-9229 R FD-9208	Colvin, Darnesha	Cincinnati	03/19/07
Dual-9230 FD-9209	Dodds, Andrew L.	Carrollton	03/19/07
Dual-9231 FD-9210	Duda, Robert W.	Cleveland	03/19/07
Dual-9232 R FD-9211	Fabry, John M.	Westerville	03/19/07
Dual-9233 FD-9212	Foster, Jay J.	Toronto	03/19/07
Dual-9234 FD-9213	Fry, Brett A.	Ottawa	03/19/07
Dual-9235 FD-9214	Gaines, Tracy L.	Graytown	03/19/07
Dual-9236 FD-9215	Kovacs, Barbara E	Toledo	03/19/07
Dual-9237 FD-9216	Miles, Sarah J.	Hamilton	03/19/07
Dual-9238 R FD-9217	Myers, Lucinda M.	Huber Hts	03/19/07
Dual-9239 FD-9218	Perkins Jr, Wayne D.	Piqua	03/19/07
Dual-9240 FD-9219	Unzner, Erika N.	Madison	03/19/07
Dual-9241 FD-9220	Wappner, Amy E.	Mansfield	03/19/07
Dual-9242 FD-9221	Watkins, Beth A.	Huntington Wv	03/19/07
Dual-9243 FD-9222	West, Timothy P.	Toledo	03/19/07
FD-9223	Wise, Douglas A.	Lima	03/19/07

Dual-9244 FD-9224	Wisher, Diane M.	Akron	03/19/07
Dual-9245 FD-9225	Young, Adam A.	Mt Healthy	03/19/07

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

Regis #	type	Name	City	Date
Reg 0298	FD	Dolan , Danielle N.	Euclid	02/05/07
Reg 0299	FD	Warfe , Victor L.	Peebles	02/12/07
Reg 0204	Emb	McDanel, Shelby L.	Struthers	02/15/07
Reg 0300	FD	McDanel, Shelby L.	Struthers	02/15/07
Reg 0205	Emb	Davis, Leslie Y.	Cincinnati	02/26/07
Reg 0301	FD	Davis, Leslie Y	Cincinnati	02/26/07
Reg 0302	FD	Cramer, Kelly	Findlay	02/27/07

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

Cert #		Name	Funeral Home	Effective
Cert-0202	Emb	Engle, Angela	Busch FH	02/01/07
Cert-0296	FD	Engle, Angela	Busch FH	02/01/07
Cert-0295	FD	Gretta, Douglas	Ferfolia FH	02/01/07
Cert-0203	Emb	Herrmann, Gregory	Tobias Funeral Home	02/01/07
Cert-0297	FD	Herrmann, Gregory	Tobias Funeral Home	02/01/07
Cert-0204	Emb	McDanel, Shelby	Kelly-Becker-Rumberg	02/19/07
Cert-0300	FD	McDanel, Shelby	Kelly-Becker-Rumberg	02/19/07
Cert-8840	FD	Renee, Shari R.	Golub Funeral Home	02/20/07
Cert-0201	Emb	Robbins, Molly	Witzler-Shank FH	02/01/07
Cert-0293	FD	Robbins, Molly	Witzler-Shank FH	02/01/07
Cert-0299	FD	Warfe, Victor	Wallace-Thompson	02/12/07

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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	52	116
Quarterly Master Reports	8	18
Board Interviews	3	4

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Fiscal

Board Members, with the assistance of Miss Wright, reviewed the revenue journal with a balance as of \$654,876.96 as of the end of February, which includes \$554,550.00 from the lockbox operation that collects the biennial renewal. Also, the Board reviewed the voucher journal with 47 vouchers and encumbrances for February, and a comparison chart of expenditures to date.

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Members received copies of the Board’s Budget Request for Fiscal Years 2008-2009 as it appears in the Executive Budget introduced on March 15, 2007.

On a motion by Mr. Jones, seconded by Mr. Shank, the Board voted to table a motion to approve a contract between the Board and Zachary S. Dunlap. Ayes: 6. Nays: 0. Motion approved.



Committee Reports

The Apprenticeship Committee plans to meet on Tuesday after the Board meeting, time permitting.

The Continuing Education Committee met at 10:30 A.M. before the Board meeting to review applications for continuing education credit to be considered by the Board. Mr. Hadley mentioned that three applications were incomplete, and recommended to the Board that the applications be returned to the sponsor.

The Preened Committee reported on their meeting February 26. In addition to Mr. DeJohn, Mr. Jones, and Mr. Primm, representatives from the Funeral Consumers Alliance, Division of Financial Institutions in the Department of Commerce, and the Department of Insurance met with John McGough to discuss the OFDA proposal. The agencies and organizations submitted comments on the proposal and met again on March 13. Mr. McGough led those in attendance in a discussion of the comments and will forward draft legislation to the extended committee in the near future. The Board is to devise a work plan and attempt to calculate costs. The Board members present agreed there was good input and discussion, and while everyone will not be pleased, the proposal is making good progress.

The Board discussed other possible requirements and/or conditions to resolve the preneed situation. One idea was to require funeral homes to provide proof of bonding in order to be licensed in the State of Ohio. A bond would cover the amount of preneed accounts. The Board discussed staffing relative to the additional staff need to maintain OFDA’s proposal. Questions included: what does every funeral home have to submit, how often does Board review submissions and/or applications, how often is “paper” touched, what is auditing work plan. The Board staff will develop a schematic plan to show layout of proposal.



Inspectors' Reports

Inspector Wisby’s report covered February 18, 2007 to March 17, 2007, during which he drove 2,426 miles in the counties of Allen, Auglaize, Brown, Butler, Franklin, Greene, Hamilton, Mercer, Montgomery, Preble, Scioto, and Warren. Mr. Wisby attended the OFDA Legislative Reception on March 13, 2007.

Crematory facility inspections	4
Embalming Facility inspections	0
Funeral home inspections	75
Violations discovered	2
Investigations activities	5
Apprentices monitored	0

Hearings	0
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From February 18, 2007 to March 17, 2007, Inspector Savage drove 1,444 miles in the counties of Guernsey, Harrison, Jefferson, Mahoning, Richland, Summit, and Washington.

Crematory facility inspections	4
Embalming Facility inspections	0
Funeral home inspections	53
Violations discovered	3
Investigations activities	0
Apprentices monitored	0
Hearings	0



Compliance

Mrs. Baugess reported that as of the date of the meeting, approximately 800 funeral homes had not submitted the annual preneed report. The Board staff will mail a second notice, and prepare a list of those funeral homes that do not comply to the Board at the April meeting.



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 February.

<u>License</u>	<u>Business Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH001513	Bauer Laubenthal FH	Laubenthal R	MGR	Lorain
FH001513	Bauer Laubenthal FH	Laubenthal, R	AIC	Lorain
FH002088	Byerly-Lindsey H	Lindsey Walter	MGR	Ashland
FH001177	Carl W Hall FS	Barnett Carl	MGR	Trumbull
FH001886	Dovin FH	Dovin John	MGR	Lorain
FH000177	E F Boyd & Son FH	Boyd William	AIC	Cuyahoga
FH000178	E F Boyd & Son FH	Boyd William	AIC	Cuyahoga
FH002056	E F Boyd & Son Inc	Boyd William	AIC	Cuyahoga
FH002759	Foos-Klein FH	Mason Kevin	MGR	Sandusky
FH000214	Golub Funeral Home	Golub Karla	MGR	Cuyahoga
FH001762	Green-Hall And Jordan	Jordan Donald	MGR	Butler
FH001762	Green-Hall And Jordan	Jordan Donald	AIC	Butler
FH001822	Hall-Jordan & Pretty Mem C	Jordan Donald	AIC	Butler
FH002762	Harris-Foos FH	Klein Carl	MGR	Sandusky
FH000760	Shriver-Allison-Courtley-Weller-Kin	Courtley David	MGR	Mahoning
FH000614	Wheeler FH	Wheeler Kristen	MGR	Jefferson



As of March 14, 2007, there are twenty-four (24) complaints under investigation by the Board office, twelve (12) 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.

<u>Complaint#</u>	<u>Issue</u>	<u>Situation</u>
0712050	unlicensed embalming	Former apprentice claims unlicensed embalming took place at the funeral home. Funeral home denies the accusation, as well as the three witnesses listed in the complaint.
0711037	funeral bill dispute	Consumer questioning the legality of administrative fees associated with payment method. Fee is 3% if paying by credit card, cash or check. Fee is 6.5% if using an insurance assignment. These fees are disclosed on paperwork which consumer signed. A call to the dept. of insurance was made and we were told it was an individual business decision. Nothing wrong with fees as long as they are disclosed.
0711045	unauthorized grave use	A woman dies, her husband instructs the funeral home on arrangements that include her urn to be buried on her father’s plot and an inscription on an existing monument. The deceased was an estranged aunt to the complainant that has possession of the deeds. Complaint has been forwarded to Cemetery Dispute Resolution Commission.
0711042	House deed	This complaint has been forwarded to the Dayton Bar Assoc. Funeral Director allegedly advised members of the deceased family to change the deed on the house prior to the death.
0707014	wrong register book, delay in death certs	Family received the incorrect register book, this has since been corrected. The funeral home had a delay with the doctor signing the death certificate, this has also been corrected.
0711044	funeral bill dispute, death certs	Consumer requested a copy of the contract showing “paid in full”. Funeral Home took a few weeks to provide this to her as well as death certificates. Consumer wanted specific grave location information and confirmation of the monument being place. Consumer is now satisfied.
0603111	preneed transfer	Funeral Home “A” filed this complaint on behalf of a consumer, which has an irrevocable preneed contract with Funeral Home “B” and wants to transfer it. Consumer is now stating she doesn’t want to transfer,

		she, her daughter and Funeral Home “B” are going to meet to review the contract.
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Previously the Board voted to charge Kent A. Zechar and the Zechar-Bailey Funeral Home with violation of Section 4717.14(A)(5) of the Revised Code for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee’s supervision. Specifically, under the funeral director and the funeral home’s supervision, an unlicensed person embalmed one or more bodies during the course of a year beginning March 2005.

There was no oral hearing, but attorneys representing the Board and the licensee submitted written stipulations and closing briefs in January 2007.

The following motions were made pursuant to the report and recommendation of the Hearing Officer, Marc E. Myers, on the written stipulation of facts and exhibits, and closing briefs concerning violation previously listed. No objection to the Report and Recommendation were submitted for consideration prior to the Board’s vote.

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

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to approve the Hearing Officer’s Conclusions of Law. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Abstain; Tunnell, Aye.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to approve the Hearing Officer’s Recommendation. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Abstain; Tunnell, Aye.

Order of the Board:

The Board ordered that funeral home license no. FH002363, Zechar-Bailey Funeral Home, be fined five Thousand Dollars, and the embalmer license no. 007066 and funeral director license no. 006304 held by Kent A. Zechar, be suspended for fourteen (14) days beginning April 11, 2007.

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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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On a Motion by Mr. Hadley, seconded by Mr. Jones, the Board voted to remove from the table a motion to approve the personnel service contract between the Board and Zachary S. Dunlap. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Jr. Jones, the Board voted to approve the contract between the Board and Zachary S. Dunlap. Mr. Dunlap will be employed as an independent contractor to research preneed laws and outline issues related to preneed in Ohio. The contract shall commence April 1, 2007, and end June 30, 2007. The compensation shall not exceed a total amount of three thousand three hundred twenty-five dollars. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank Aye; Tunnell, Aye.

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Complaint #0411049

On a Motion by: Mr. Shank, seconded by: Mr. Hadley, the Board to charge James M. Craniun and the Craniun Berry Funeral Home with violation of Section 4717.04(A)(9)(d) of the Ohio Revised Code, for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision. Pursuant to Section 4717.15 of the Revised Code, and Administrative Rule 4717-1-30(D), the Board recommended a forfeiture in the amount \$2,500.00. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Complaint #0701052

On a Motion by: Mr. Tunnell, seconded by: Mr. Hadley, the Board voted to charge Anthony J. DiCicco, Jr. and the Corrigan DiCicco Funeral Home with violation of Section 4717.04(A)(9)(d) of the Revised Code, for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision. Pursuant to Section 4717.15 of the Revised Code and Administrative Rule 4717-1-30(D), the Board recommended a forfeiture in the amount \$2,500.00. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Complaint #0707008

On a motion by Mr. Hadley, seconded by: Mr. Jones, the Board voted to charge Dean W. Rogers and the Rogers Funeral Home with violation of Section 4717.04(A)(9)(d) of the Revised Code, for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision. Pursuant to Section 4717.15 of the Revised Code, and Administrative Rule 4717-1-30(D), the Board recommended forfeiture in the amount of \$2,500.00. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Complaint #0709025

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to charge Michel A. Czap and the Czap Funeral Home with violation of Section 4717.04 (A)(9)(g) of the Revised Code, licensee mislead the public by using false or deceptive advertising, specifically Mr. Czap advertised services for "Czap" Funeral Directors in the 2006 Alltel telephone directories. This entity is not licensed as a funeral home in the state of Ohio. Pursuant to Section 4717.15 of the Revised Code, and Administrative Rule 4717-1-30 (G), the Board recommended forfeiture in the amount of \$1,000.00. 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 Patrick A. Orians requesting a change of firm title. The Board accepted the change from: “Siferd Funeral Home” to “Siferd-Orians Funeral Home.” Mr. Orians will return the display and renewal licenses. Secretary to remind Mr. Orians that all signage and advertisement must reflect the new firm title

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

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Compliance Mail #3 – The Board reviewed a letter from Joseph D. Lanning requesting a change of firm title. The Board accepted the change from: “Lanning Ross Funeral Home” to “Lanning Funeral Home,” in Crooksville and Roseville. Mr. Lanning will return the display and renewal licenses. Secretary to remind Mr. Lanning that all signage and advertisement must reflect the new firm title

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Compliance Mail #4 – The Board reviewed a letter from Jeffrey N. DiDonato requesting a change of firm title. The Board accepted the change from: “Brickman-DiDonato Funeral Home” to “DiDonato Funeral Home.” Mr. DiDonato will return the display and renewal licenses. Secretary to remind Mr. DiDonato that all signage and advertisement must reflect the new firm title

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The Board meeting recessed at 4:20 P.M.

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Tuesday – March 20, 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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Continuing education

The list of continuing education programs considered by the Board during the March 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. Jones, 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. Shank, 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 50-year Exemption Compliance:

<u>Date Received</u>	<u>License No.</u>	<u>Licensee</u>	<u>Granted/Denied</u>
03/09/07	DUAL 005975	Joe Jagers	Granted
02/27/07	FD 004201	Thomas R. Hinman	Granted



Mr. Tunnell asked the Board Members to clarify their instructions to the Executive Director and staff concerning policy and communication of materials to be forwarded to the Board Members. The Board Members discussed the difference between pending complaints and open policy. As mentioned on the previous occasions, the Board Members discussed whether one Board Member should review complaints with along with the Assistant Attorney General and Board staff, and then the Board Member would reclude himself from Board discussions and votes on the same complaints. The Board decided not to appoint a Board Member to review complaints prior to consideration and vote by the full Board in open session. All pertinent information, excluding pending complaints, will be forwarded to the Board.

The Board directed the Executive Director and staff to prepare two reports of complaints; an oral report of including the number of complaints with the date received and status of each complaint, and a written report of charged complaints with the charge date and the status relative to request for hearing and hearing schedule. The staff is to determine the average amount of time between receipt and resolution of complaints. The Board determined that when a charged licensee requests a hearing, the staff should set the hearing date pursuant to Chapter 119 of the Revised Code, after consulting with the Hearing Officer and the Board’s Counsel, not the attorney for the licensee. The Hearing Officer will decide whether to continue a hearing, if the attorney for the licensee request a continuance. All hearing motions will be presented to the Hearing Officer for a decision,

and the charged licensee and his attorney will forward copies of any such motions to the Board Office and the Board's Counsel.

The Board Members determined that in the event there is no preneed legislation this year, the Board will adopt policy and guidelines using current laws, rules, and the Attorney General's opinion. The Board Members will review the definition of funeral service.

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On a motion by Mr. Tunnell, seconded by Mr. Primm, the Board voted to accept the settlement agreement negotiated by Zachary Dunlap, Assistant Attorney General and T. Scott Gilligan, attorney for Bryan Funeral Home and Daniel J. Snider, for a violation of Section 4717.14(A)(4) of the Revised Code, for immoral or unprofessional conduct; specifically, for solicitation of a dead human body by a licensed embalmer or licensed funeral director after the death occurred. Roll call vote: 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. Shank, the Board voted on the policy for presentations to the Board: (1) submit a written request to make a presentation one week prior to the Board meeting, (2) presentation shall be limited to fifteen minutes per subject matter, (3) one person shall speak for a maximum of five minutes, and (4) written copies shall be given to the Board before the presentation. Ayes: 6. Nays: 0. Motion approved.

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On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board meeting adjourned at 9:50 A.M. Ayes: 6. Nays: 0. Motion approved.