

Monday – April 16, 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 1:03 P.M. Other Board members present were: John J. Hadley, Pernel Jones, Roger Primm, Robert L. Shank, and Kurtis A. Tunnell. Also, present were: Laura Meechan Assistant Attorney General; Matt Lampe, Assistant Attorney General, 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, and Anthony Gottlieb of the Dayton Daily News.

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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 March 19-20, 2007. Ayes: 5. Nay: 0. Motion approved.

President DeJohn introduced Laura Meechan, Assistant Attorney General, as the Board's new legal counsel.

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Director's Report

Ms. Cunningham reported that the temporary freeze on meal-related expenditures was extended to May 4. This freeze does not impact reimbursement for individual meals allowed on the travel rule.

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Ms. Cunningham reported that Ohio Department of Health, Office of Vital Statistics will refer to trade embalmers, medical facilities and colleges as "non-funeral homes."

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The Department of Administrative Services scheduled open enrollment for health insurance, including vision and dental for April 25 to May 9, 2007. Each employee will enter his or her own changes online.

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The Executive Director reported that she testified before the House Agriculture and Development Subcommittee on the Board's Budget 2008-2009 request.

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

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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 and end on April 22, 2007.

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Mr. Shank will monitor the examinations on April 25, 2007

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Board Members were informed that the OFDA Annual Convention would be held May 9-11, 2007. Mr. Hadley, Mr. Jones, and Mr. Shank will be present in the Board's booth along with the Board staff. Board Members will be paid per diem and reimbursed for allowable travel expenses.

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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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The Executive Director will testify before the Senate Finance Committee relative to the Board’s Budget request for 2008-2009.

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The Board will undergo a biennial audit before June 30.

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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>
Custer-Glenn FH Inc	Wooster	Wayne	08/17/06
Garrett-Cardaras FH	McArthur	Vinton	07/12/06
Armond V. Rossi & Chelsey Santucci FH	Youngstown	Mahoning	Leasing
Short FH	Streetsboro	Portage	11/03/06
Short FH	Ravenna	Portage	11/03/06

On a motion by Mr. Tunnell, seconded by Mr. Shank, the Board tabled the application for funeral home license submitted for M. J. K. Jones Funeral Service leasing space in Springfield. Motion approved. Ayes: 6. Nays: 0.

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On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved the following application for funeral home license pending receipt of the occupancy permit and final inspection by the Board. Ayes: 6. Nay: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Sheridan Funeral Chapels	Millersport	Fairfield

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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.

Person Before the Board

Robert M. Greenisen of Arbaugh Pearce Greenisen Funeral Home addressed the Board explaining his proposal to start a cremation society, not a crematory. Mr. Greenisen plans to operate under a different name other than his current funeral home name, and he is willing to apply for a new funeral home license is necessary.

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

<u>License #</u>	<u>Name</u>	<u>City/St</u>	<u>Date</u>
Dual 9246 FD 9226	Collins, Ryan M.	Mt. Gilead	04/16/07
FD-9227	Shively, Roxanne E.	Fletcher	04/16/07

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

<u>Regis #</u>	<u>type</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
Reg 0206	EMB	Mlac, Kathrine A.	Euclid	03/20/07
Reg 0303	FD	Mlac, Kathrine A.	Euclid	03/20/07
Reg 0207	EMB	Snider, Terry L.	Dayton	03/26/07
Reg 0304	FD	Snider, Terry L.	Dayton	03/26/07

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

<u>Cert #</u>		<u>Name</u>	<u>Funeral Home</u>	<u>Effective</u>
Cert-0302	FD	Cramer, Kelly A	Routson FH	04/06/07
Cert-0188	EMB	Dalzell, Elizabeth	Reeb FH	03/26/07
Cert-0280	FD	Dalzell, Elizabeth	Reeb FH	03/26/07
Cert-0197	Emb	Davis, Leslie Y.	Donald & Stewart FH	03/20/07
Cert-0301	FD	Davis, Leslie Y.	Donald & Stewart FH	03/20/07
Cert-0197	Emb	Singleton, Stephanie	Newcomer FH	03/20/07
Cert-0289	FD	Singleton, Stephanie	Newcomer FH	04/20/07

Cert-0207	EMB	Snider, Terry L.	Tobias	03/29/07
Cert-0304	FD	Snider, Terry L.	Tobias	03/29/07

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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	222	289
Quarterly Master Reports	37	48
Board Interviews	2	5

Licensure Issue #1 – The Board reviewed a request from Kelly Cramer concerning her intention to continue her education with American Intercontinental University Online. On a motion by Mr. Hadley, seconded by Mr. Jones, the Board voted to approve Ms. Cramer’s request to take no more than twenty hours a week. Ayes: 6. Nays: 0. Motion approved.

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Licensure Issue #2 – The Board reviewed a request from Lennie Gessler concerning part-time employment during his apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved Mr. Gessler’s request to work no more than twenty hours per week during his apprenticeship. Aye: 6. Nays: 0. Motion approved.

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Fiscal

Board Members, with the assistance of Miss Wright, reviewed the revenue journal with a balance as of \$1,013,983.22 as of the end of March, which includes \$974,650 from the lockbox operation that collects the biennial renewal. Also, the Board reviewed the voucher journal with 50 vouchers and encumbrances for March, and a comparison chart of expenditures to date.

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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.

The preneed committee met at 11:00 A.M. Mr. Primm reported that the Committee Members reviewed the draft proposal offered by the Ohio Funeral Directors Association. All Board Members are to review the proposal and submit their comments to the Board office. Zach Dunlap, Preneed Project Manager will compile those comments and amend the proposal. The amended proposal will be sent to all Board Members before forwarding the Board amended proposal to the Ohio Funeral Directors Association. The OFDA proposal was forwarded to all interested parties. All additional comments and/or amendments will be shared with all interested parties. The cost and specific work details are major concerns.

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Inspectors' Reports

Inspector Wisby read Inspector Savage’s report, which covered March 18, 2007 to April 14, 2007, during which he drove 1,263 miles in the counties of Ashland, Belmont, Cuyahoga, Holmes, Jefferson, Monroe, Muskingum, and Summit.

Crematory facility inspections	7
Embalming Facility inspections	0
Funeral home inspections	44
Violations discovered	3
Investigations activities	3
Apprentices monitored	0
Hearings	0



From March 18, 2007 to April 14, 2007, Inspector Wisby drove 2,647 miles in the counties of Butler, Clinton, Darke, Franklin, Licking, Logan, Lucas, Montgomery, Perry, Putnam, and Shelby

Mr. Tunnell inquired about the random inspection of preneed contracts. Inspector Wisby reported that funeral homes inspected had a positive reaction. The inspection of preneed contracts will continue, and results will be evaluated as the inspectors review more funeral homes.

Crematory facility inspections	5
Embalming Facility inspections	2
Funeral home inspections	57
Violations discovered	0
Investigations activities	5
Apprentices monitored	0
Hearings	0



Compliance

Mrs. Baugess reported that Robert Tate continues to submit monthly statements confirming the preneed account required by the settlement agreement.



The following funeral homes opted to remit forfeitures instead of requesting hearings:

<u>Complaint #</u>	<u>Funeral Home</u>	<u>Forfeiture</u>
#0602102	Zechar-Bailey	\$5,000.00
#0603087	Bryan Funeral Home	\$1,000.00
#0507065		
#0701052	Corrigan-DiCicco FH	\$2,500.00
#0411049	Craciun Berry FH	\$2,500.00



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 March.

<u>Lic #</u>	<u>Business Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH001176	Borkoski FH	Borkoski Francis	AIC	Jefferson
FH000600	Borkoski FH	Borkoski Herman	AIC	Jefferson
FH002920	C D White & Son FH	White Benjamin	AIC	Franklin
FH000377	Deyo-Davis FH	Davis Jeffrey	AIC	Franklin
FH000377	Deyo-Davis FH	Davis Jeffrey	MGR	Franklin
FH000383	Evans FH	Evans Melanie	AIC	Franklin
FH000383	Evans FH	Evans Melanie	MGR	Franklin
FH000618	Flowers-Snyder FH	Snyder Weston	AIC	Knox
FH000224	Holowchak FH	Holowczak Peter	AIC	Cuyahoga
FH000224	Holowchak FH	Holowczak Peter	MGR	Cuyahoga
FH002050	J Martin Smith Mortuary	Highley Susan	AIC	Franklin
FH002050	J Martin Smith Mortuary	Highley Susan	MGR	Franklin
FH002362	Jon Deitloff Funeral C	Mooney Gwen	AIC	Hamilton
FH002362	Jon Deitloff Funeral C	Mooney Gwen	MGR	Hamilton
FH001864	Lanning FH	Rizzo David	MGR	Perry
FH002671	Smith FHs Inc	Trott Julie	MGR	Tuscarawas
FH001194	Snyder FH	Snyder Weston	AIC	Knox
FH000638	Spear-Mulqueeny FH	Waite Brian	AIC	Lake
FH000638	Spear-Mulqueeny FH	Waite Brian	MGR	Lake
FH002783	Walker FH	Weaver Deborah	AIC	Hamilton
FH002133	Wallace-Thompson FH	Anderson Larry	MGR	Adams
FH002133	Wallace-Thompson FH	Wallace Robert	AIC	Adams



Compliance Mail #1

The Board reviewed a letter from Aaron W. Clark requesting a change of firm title. The Board accepted the change from: “Shields Funeral Home” to “Clark-Shields Funeral Home,” in Forest. Mr. Clark will return the display and renewal licenses. Secretary to remind Mr. Clark that all signage and advertisement must reflect the new firm title

Compliance Mail #2

The Board reviewed a letter from Annie Kentris Arthur, Attorney, requesting a change of firm title. The Board accepted the change from: “Mann-Hare Funeral Home” to “Mann-Hare-Hoening Funeral Home,” in Fostoria. Ms. Arthur will return the display and renewal licenses. Secretary to remind Ms. Arthur that all signage and advertisement must reflect the new firm title



As of April 9, 2007, there are twenty-six (26) complaints under investigation by the Board office, fourteen (14) charged complaints pending hearings, hearing officer reports/recommendations, Board Orders or compliance with Board Orders.



On a motion by Mr. Shank, seconded by Mr. Hadley, 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>
0605144	Criminal conviction	Apprentice convicted of “failure to stop after an accident”. Sentenced in March 2007 to 3 years community control, 90 days jail, work release authorized, \$1,000 fine, suspended driver’s license (with work privileges). Upon application for license, the board may consider this information when approving or denying application.
0606152	funeral bill dispute	A woman dies and the husband contacts the funeral home and makes arrangements, including signing the contract. It is later discovered that the daughter is the insurance beneficiary, not the husband. Daughter requested a clear, legible copy of the contract before she would pay it. Funeral Home took several months to respond. Daughter now has a copy.
0703055	funeral bill dispute	In 2002 a man inquired about costs for a funeral and was given a range of \$4,000-\$6,000. There was not a preneed contract created. The man’s daughter dies 9-20-06 and his wife dies 1-25-06. He is questioning why the costs were higher than the range he was given in 2002.
0602100	cremation	This complaint was opened as a result of a lawsuit filed by a family against the funeral home. The lawsuit and newspaper articles allege the ashes the consumer received were not her son’s. The family dismissed the lawsuit voluntarily.
0703065	funeral bill dispute	Consumer was concerned that the nursing home had paid the funeral home too much for the preneed from her sister’s monthly account. The consumer and funeral director have since met and the consumer has submitted a letter to the Board office stating she has resolved her

		concerns.
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On a motion by: Mr. Tunnell, seconded by: Mr. Hadley, the Board voted to charge the following funeral homes for violation of Section 4717.04 (A)(9)(c) 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 2006. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Funeral Home	License #	County
Cisco Funeral Home	FH 002785	Auglaize
Warren Funeral Home	FH 000077	Belmont
Adkins FH	FH 002646	Clark
Kindrich-Mchugh Steinbauer FH	FH 001792	Cuyahoga
The J. W. Wills Co./House Of Wills	FH 001289	Cuyahoga
Vales-Kleve Funeral Services	FH 002340	Cuyahoga
Watson S Funeral Home Inc	FH 002013	Cuyahoga
Zele Funeral Homes Inc	FH 000321	Cuyahoga
Cotner Funeral Home	FH 002398	Franklin
Diehl-Whittaker Funeral Service Inc	FH 000419	Franklin
J Martin Smith Mortuary	FH 002050	Franklin
Jerry Spears Co	FH 002067	Franklin
Conner & Koch FH	FH 002331	Greene
Johnson Brown Funeral Service	FH 002234	Hamilton
The Imwalle Memorial	FH 000494	Hamilton
Borkoski Funeral Home	FH 002147	Harrison
McClave-Chandler-Mills Inc	FH 001578	Jefferson
McClave-Chandler-Mills Inc	FH 000607	Jefferson
Vinson House Of Mortuary Inc	FH 001851	Jefferson
F D Mason Mem FH	FH 002904	Mahoning
McCauley Funeral Home	FH 000752	Mahoning
Armstrong-Waite FH	FH 002393	Medina

Bowman FC North	FH 001751	Montgomery
Bowman FC South	FH 001750	Montgomery
Foos-Klein FH	FH 002759	Sandusky
Rossi FH Inc	FH 001012	Stark

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On a motion by: Mr. Tunnell, seconded by: Mr. Hadley, the Board voted to charge the licensees (AIC/UR) and facilities listed below with violation of Section 4717.08(A) Revised Code and 4717.14(A)(3) Revised Code and 4717-1-16(A)(1) Ohio Administrative Code, specifically for failing to renew the funeral home license and conducting funeral services with a lapsed license. Roll call vote: DeJohn., Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

<u>Funeral Home/Licensee</u>	<u>License #</u>
Brown Funeral Chapel	FH 002808
Eugene G. Brown	DUAL 009122 FD 009082
Walter A. Frey Funeral Home	FH 000682
Walter A. Frey	DUAL 007179 FD 006463

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On a motion by: Mr. Hadley, seconded by: Mr. Shank, the Board voted to charge the licensees (AIC/UR) and facilities listed below with violation of Section 4717.08(A) Revised Code and 4717.14(A)(3) Revised Code and 4717-1-16(A)(1) Ohio Administrative Code, specifically for failing to renew the funeral home license and conducting funeral services with a lapsed license. Roll call vote: DeJohn., Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

<u>Funeral Home/Licensee</u>	<u>License #</u>
Bowman Funeral Chapel North	FH 001751
Bowman Funeral Chapel South	FH 001750
Clarence E. Bowman, Jr.	DUAL 007145 FD 006391

The Board office received the renewal payment on April 6, 2007. However, since January 1, 2007, the funeral homes have had thirty (30) services.

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Mrs. Baugess reported that there are 27 open complaints. The average time from receipt to charge or closure is four to five months. 80% of the complaints involve preneed, five – funeral bill disputes, one - advertisement, and one- unprofessional conduct.

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The Board reviewed a copy of a funeral home website with photo of individual identified as Family Service Counselor and prearrangement needs. The funeral home is amenable to rewording the bio. On a motion by Mr. Shank, seconded by Mr. Hadley, the Board voted to order the removal of “prearrangement” because the individual is not a licensed funeral director. Ayes: 6. Nays: 0. Motion approved. The copy will be referred to the Counselor and Social Worker Board.

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On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to order a cease and desist order to non-funeral home company for offering to “pre-plan your entire funeral with us.” Ayes: 6. Nays: 0. Motion approved.

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On a motion by Mr. Jones, 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.

The President declared the Board out of executive session. There was no action to report.

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The Board meeting recessed at 3:31 P.M.

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Tuesday – April 17, 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, Laura Meechan, Assistant Attorney General; Charles H. Wisby, Administrative Assistant Jennifer Baugess, Executive Director Ann Cunningham. Barbara Hadley observed the Board meeting.

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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. 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. Tunnell, 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>
03/30/07	DUAL 005447	Ivan L. Davis	Granted



On a motion by Mr. Jones, seconded by Mr. Primm, the Board meeting adjourned at 9:40 A.M. Ayes: 6. Nays: 0. Motion approved.