

Monday – May 21, 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: Laura Meechan Assistant Attorney General; Frank 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. Shank, the Board approved, as amended, the minutes of the meeting held on April 16-17, 2007. Ayes: 6. Nay: 0. Motion approved.

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Director's Report

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

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The Governor's Office lifted the temporary hiring freeze, and all postings for unclassified must be sent to the Governor's Office.

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The Treasurer's Office notified the Board that it plans to examine state contracts including the Chase lockbox, which the Board uses for renewal. In addition the Treasurer's Office submitted a rule to that would require the Treasurer's name as endorsement on all check written to state agencies. The Board Members will be updated on this issue.

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While the US-EPA will not promulgate a specific rule for crematory incinerators, the Ohio EPA will continue to require air pollution permits for crematories under the EPA new source review program.

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House Bill 104 Criminal Background check is on hold while the Department of Corrections attempts to understand that professional licensing boards offer Administrative Hearings when denying a license applicant.

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The Executive Director testified before the Senate Finance Committee for the Board's 2008-2009 Budget Request.

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Ms. Cunningham reported on the meeting of the Association of Executives of Funeral Service Boards that met April 20, 2007, in Nashville, and the International Conference of Funeral Service Examining Boards that met on April 21-22, 2007, in Nashville. The Board Executives heard presentations on Disciplinary Resolutions, Organ/Tissue Recovery and the Funeral Home, Cremation Regulations in addition to discussions on whether continuing education is necessary, Board Member and Staff Interaction, and the most effective methods for Preneed Regulation. The Conference offered programs on Pearson Vue, the new examination provider, District Meetings, Current Legal Issues Facing Funeral Service, Model Code of Conduct for Board Members.

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Mr. Primm and Inspector Savage spoke to the Lorain County Funeral Directors Association on April 24, 2007. Mr. Primm was paid per diem and reimbursed for allowable travel expenses.

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Mr. Shank monitored the examinations on April 25, 2007, and was paid per diem and reimbursed for allowable travel expenses.

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Board Members Hadley, Jones and Shank worked at the Board's booth during Ohio Funeral Directors Association Annual Convention held May 9-11, 2007 along with the Board's staff. Board Members were 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 State of Ohio OAKS data system for named financials will commence on July 1, 2007, Fiscal Year 2008. Ms. Wright and Ms. Cunningham are participating in online and classroom training. The allotments for Fiscal Year 2008 were submitted in the new OAKS format on May 18, 2007.

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Board Members received a copy the Board's Continuing Education Spring 2007 newsletter that was posted on the Board's website, and mailed to all active apprentices.

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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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The following received a crematory facility license issued to a crematory facility license after approval of the application, receipt of the occupancy permit, and the final inspection.

<u>License no.</u>	<u>Crematory facility</u>	<u>Location</u>	<u>Final inspection</u>
CREM 000114	Oakwood Cr	Covington	05/15/07

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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. Shank, seconded by Mr. Hadley, 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>
Borkoski FH	Cadiz	Harrison	03/09/07
Meyer-Boehmer & Reis FH	Dayton	Montgomery	11/03/06
Rossi & Santucci FH	Boardman	Mahoning	1/18/07
Richard, Raff & Dunbar	Springfield	Clark	11/06/06

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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.

Person Before the Board

Terri Aubry, New York, appeared before the Board as a prerequisite to approval of her application for reciprocal license.

Richard Kirby, Michigan, appeared before the Board as a prerequisite to approval of his application for reciprocal license.

Brady Lipscomb, West Virginia, appeared before the Board as a prerequisite to approval of his application for reciprocal license.

Sean Sauer, Florida, appeared before the Board as a prerequisite to approval of his application for reciprocal license.

Alison Snyder, Pennsylvania, appeared before the Board as a prerequisite to approval of her application for reciprocal license.

On a motion by Mr. Hadley, seconded by Mr. Primm, all of the applicants that appeared before the Board were approved to write the Ohio Laws Examination, and if successful to be licensed as embalmers/funeral directors in the State of Ohio. Ayes: 6. Nays: 0. Motion approved.

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

On a motion by Mr. Shank, seconded by Mr. Primm, the Board tabled a request from Matthew L. Pfeifer. Ayes: 6. Nays: 0. Motion approved.

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On a motion by Mr. Hadley, 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 No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD-9228	Black, Jon W.	Cambridge	05/21/07
EMB-9247 FD-9229	Snavelly, Jillian	Bridgeport	05/21/07
FD-9230	Wilkinson, Brandee M.	Akron	05/21/07

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

<u>Regis #</u>	<u>type</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
Reg 0305	FD	Kirby, Albert H	Toledo	04/30/07

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No individuals certified an apprenticeship during the month of April 2007.

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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	67	122
Quarterly Master Reports	11	20
Board Interviews	9	14

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The Board reviewed the grades of the Ohio Laws Examinations that were written on April 25, 2007. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the 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 licensed fee. The two-year funeral director applicants will also need proof of successfully passing the Funeral Service Arts Examination. A list of the applicants, their scores, and license numbers will be entered into the journal. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye. Motion approved.

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Fiscal

Board Members, with the assistance of Miss Wright, reviewed the revenue journal with a balance as of \$1,125,612.02 as of the end of April, which includes \$974,650 from the lockbox operation that collects the biennial renewal. Also, the Board reviewed the voucher journal with 41 vouchers and encumbrances for April, 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 11:00 A.M. before the Board meeting to review applications for continuing education credit to be considered by the Board.

The preneed committee met as a whole during the Board meeting. Zach Dunlap, Preneed Project Manager, reviewed a draft flowchart of OFDA proposal regarding quarterly reports. The flowchart will be reviewed to truly reflect the specific details involving quarterly reports. Mr. Dunlap offered three items for discussion: Endorsement to sell preneed, preneed reports, and address the claims process.

- The discussion centered on consumer protection, expenses, and accountability. The Board Members offered the following questions to be resolved:
- Are Ohio funeral homes writing 30,000 preneeds each year?
- Who should report funeral home, funeral director who is actually in charge of and ultimately responsible for the funeral home?
- Do we have specific accounting of who sells preneed?
- How many complaints and what is specific amount of preneed stolen?
- Should funeral homes have a surety bond in order to be licensed?
- After original application for endorsement, would endorsement become part of renewal application?
- Should endorsement be a one-time fee to start the operation?
- Under current proposal, funeral home pays only transaction costs?
- How will Board know how many preneeds are sold?
- What documentation will state auditors require when auditing preneed fees?
- If bond required, would Board have to confirm that funeral home insurance?
- If Board pays a consumer's claim, is it subject to subrogation?
- Could insurance company claim loss of preneed?
- How is Board going to complete all tasks with no funds?
- The cost and specific work details are major concerns.



On a motion by Mr. Shank, seconded by Mr. Jones, the Board removed from the table, the request submitted by Matthew L. Pfeiffer. Ayes: 6. Nays: 0. Motion approval. Mr. Pfeiffer requested Board approval of his applications for embalmer and funeral directors registration prior to his entry into mortuary science college. On a motion by Mr. Hadley, seconded by Mr. Shank, the Board denied Mr. Pfeiffer's request for approval because he failed to meet the requirements of Section 4717.05 that require transcript of completion of mortuary science college. The Assistant Attorney General will review and draft a response to explain that the Board cannot offer prior approval of an incomplete application. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Inspectors' Reports

Between April 15, 2007 and May 12, 2007, Inspector Savage reported that he drove 614 miles in the county of Cuyahoga. Also as reported earlier, Inspector Savage and Mr. Primm spoke to the Lorain County Funeral Directors Association on April 24, 2007.

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



From April 15, 2007 to May 12, 2007, Inspector Wisby drove 2,174 miles in the counties of Auglaize, Butler, Franklin, Hamilton, Lucas, Montgomery, Scioto, and Shelby. Inspector Wisby attended the OFDA Annual Convention and worked in the Board's information booth, May 9-10-11, 2007.

Crematory facility inspections	3
Embalming Facility inspections	0
Funeral home inspections	52
Violations discovered	0
Investigations activities	1
Apprentices monitored	3
Hearings	0



Compliance

Mrs. Baugess reported the Board office received the \$2500 fine from Roger's Funeral Home involving complaint #0707008. There was one hearing conducted since the April Board meeting, and the Board office received six new complaints. In addition, the Board office received a \$500 forfeiture from each of the following funeral homes for failure to submit the annual preneed report for calendar year 2006.

Complaint no.	Funeral home
0704075	Cisco Funeral Home
0704080	Kindrich-McHugh Steinbauer Funeral Home
0704083	Watson's Funeral Home Inc
0704086	Diehl-Whittaker Funeral Service Inc
0704087	J Martin Smith Mortuary
0704089	Conner & Koch Funeral Home Inc
0704098	Vinson House Of Mortuary Inc
0704100	F D Mason Mem Funeral Home
0704107	Foos-Klein Funeral Home
0704109	Rossi Funeral Home Inc
0704084	Zelevansky Funeral Homes Inc



The following funeral homes submitted amendments to change the manager and/or funeral director actually in charge of and ultimately responsible for the funeral home in the month of April.

<u>Lic No.</u>	<u>Business Name</u>	<u>Name</u>	<u>Type</u>	<u>County</u>
FH002792	Clark-Shields FH	Clark, Aaron	AIC	Hardin
FH001824	Crobaugh-Danaher FH	Danaher, Gregory	AIC	Cuyahoga

FH002842	Fortunato-Reardon FS	McKay, Ronald	MGR	Mahoning
FH002947	Garrett-Cardaras FH	Cardaras, Van	AIC	Vinton
FH002947	Garrett-Cardaras FH	Garrett, William	MGR	Vinton
FH002276	McCardell-White-McFarland	Baer, James	MGR	Trumbull
FH002859	Schoedinger Funeral Choices	Jones, Matthew	MGR	Franklin
FH001289	The J. W. Wills Co./House Of Wills	Wills, Patricia	AIC	Cuyahoga
FH001289	The J. W. Wills Co./House Of Wills	Wills, Patricia	MGR	Cuyahoga

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Compliance Issue No. 1

The Board reviewed a draft of a letter to be sent by the Board as a cover to the letter from James R. Rough, Executive Director of the Counselor, Social Worker & Marriage and Family Therapist Board to all funeral homes clarifying the restriction against funeral directors/funeral homes from using the term “counselor” in a job title. The letters will be mailed May 30, 2007.

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Compliance Issue No. 2

The Board reviewed a chart of complaints in which licensees have been charged with violations, and the complaints are in various stages of the administrative law procedure. Complaint status includes; waiting for request for hearing, hearing scheduled, hearing continued, waiting for forfeiture, or in appeals court.

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As of May 16, 2007, there are thirty-one (31) complaints under investigation by the Board office, fifteen (15) charged complaints.

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Compliance Issue No. 3

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to close the following ten (10) investigatory files. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Complaint No.	Date received	Issue
0703063	03/26/07	Funeral bill dispute
0702069	03/15/07	Unprofessional
0401064	01/00/04	Advertising
0708022	10/30/06	Preneed
0703057	03/03/07	Funeral bill dispute insurance copies
0703071	03/23/07	Unlicensed funeral home
0703061	03/03/07	Soliciting preneed
0703062	03/03/07	Soliciting preneed
0703060	03/03/07	Stolen urns
07/04118	04/18/07	Release of cremains

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Compliance Issue No. 4

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to accept the consent agreement negotiated by Laura Meechan, Assistant Attorney General and John Farthing, attorney for Brent Alan Peters, relative to the violations of R.C. Section 4717.14 (A)(4), R.C. Section 4717.14 (A)(3) as it incorporates Administrative Rule 4717-1-18 (F) and R.C. Section 4717.14 (A)(3) as it incorporates R.C. Section 3705.29 (A)(1) and R.C. Section 3705.29 (C)(4). Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

In summary, Mr. Peters voluntarily surrendered and the Board simultaneously revoked his embalmer, funeral director, and funeral home licenses. Mr. Peters shall never apply for reinstatement of his embalmer, funeral director or funeral home license.



The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc. E. Myers as a result of a hearing conducted on February 3, 2007, in which the Board charged Richard W. Goings and the Goings Memorial Chapel with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct; specifically for failure to comply with the requirements of Section 1111.19 of the Revised Code by failing to properly deposit payments for a preneed contract within thirty days with a designated trustee. No objections to the Report and Recommendation were submitted for consideration prior to voting.

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

Order of the Board:

Embalmer license no. 6907(A) and funeral director license no. 6098 held by Richard W. Goings is suspended for seven (7) days beginning June 8, 2007. Funeral home license no. FH 000113 for Goings Memorial Chapel held by Richard W. Goings is suspended for seven (7) days beginning June 8, 2007.



Compliance Mail No. 1

The Board reviewed a letter from Mark D. Ivey, Kowalk Funeral Home, concerning change of firm title. The Board accepted the change from "Kowalk Funeral Home" to "Ivey Funeral Home." Secretary instructed to amend the funeral home license file, and inform Mr. Ivey that all signage and advertisements must reflect the new firm title.



Compliance Mail No. 2

The Board reviewed a letter from Robert D. Spears, Jr. concerning the recent notice of hearing letter sent to the Jerry Spears Company for failure to file the annual preneed

report for calendar year 2006. Secretary instructed to respond that the Board is required to adhere to the administrative procedure mandated in Section 119. of the Revised Code.



Compliance Mail No. 3

The Board reviewed a letter from Hal M. Hanenkrath, Don E. Clevenger and Daniel J. Schaffer concerning change of firm title. The Board accepted the change from “Mast-Mock Hoffman Funeral Home” to “Mast-Mock-Hoffman-Hanenkrath-Clevenger-Schaffer Funeral Home.” Secretary instructed to amend the funeral home license file, and inform all that signage and advertisements must reflect the new firm title.



Compliance Mail No. 4

The Board reviewed a letter from Geoffrey Alan Wells concerning the change from a C-Corporation to a sole proprietorship. Secretary instructed to inform Mr. Wells that such a change mandates a new funeral home license.



Compliance Mail No. 5

The Board reviewed a letter from Natalie L. Pestalozzi concerning offering funeral services from the Oak Meadow Crematory. Secretary instructed to inform Mrs. Pestalozzi that the proposed services constituted offering funeral service and would require a funeral home license.



Compliance Mail No. 6

The Board reviewed a letter from Frank Lewis concerning change of firm title. The Board accepted the following changes and the Secretary was instructed to amend the funeral home license file, and inform Mr. Lewis that all signage and advertisements must reflect the new firm title.

<u>Change from</u>	<u>New firm title</u>	<u>Location</u>
Ingling Williams Maley FH	Ingling Williams FH	South Charleston
Ingling Williams Maley FH	Ingling Williams FH	Cedarville
Jackson Lytle & Williams Maley	Jackson Lytle & Williams	Springfield
Jackson Lytle & Williams Maley	Jackson Lytle & Williams	Yellow Springs



Compliance Mail No. 7

The Board reviewed a letter from Gwen M. Mooney and Gary M. Freytag concerning change of firm title. The Board accepted the change from “Jon Deitloff Funeral Centre” to “Gwen Mooney Funeral Home.” Secretary instructed to amend the funeral home license file, and inform all that signage and advertisements must reflect the new firm title.



The Board determined that Mr. Jones would represent the Board at the Buckeye Funeral Directors and Embalmers Association Annual Convention in Columbus on June 14, 2007.



The Board meeting recessed at 5:23 P.M.



Tuesday – May 22, 2007

The Board reconvened at 8:02 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, Frank Savage, 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 May 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. Tunnell , the Board approved, and where indicated denied, the Prior Approval continuing education programs, and individual continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, 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>
05/14/07	DUAL 005010	Kenneth Wade Cox	Granted



On a motion by Mr. Shank, seconded by Mr. Jones, the Board meeting adjourned at 8:07 A.M. Ayes: 6. Nays: 0. Motion approved.