

Monday – June 18, 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 1:02 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 May 21-22, 2007. Ayes: 6. Nay: 0. Motion approved.

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Director's Report

Ms. Cunningham reminded Board Members that state employee names and social security numbers were stolen, and that the State of Ohio is providing Identify Theft Prevention and Protection Services for one year. Board Members and Staff were advised to review the printed and electronic materials forward to them.

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Ms. Cunningham emailed a reminder to the Governor's Office concerning the appointment of one public member, 60 years or older, and one member licensed as an embalmer and a funeral director.

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To fulfill Executive Order 2007-01S which requires annual Ethics training The Board Staff participated in two hours Ethics Training on June 12, 2007. Central Service Agency arranged the program for the Boards and Commissions. Board Members received an outline of the Ethics Law. The Governor's Office is responsible for Board Member Ethics Training.

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Ms. Cunningham reported that H.B. 104 Criminal Background Check passed the House. Board Members were provided with a summary, and reminded that the Board will promulgate rules when the legislation becomes law.

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H.B. 130 is still under discussion, but it was clarified that when the Board denies a license it offers a hearing under Chapter 119 of the Revised Code, and therefore would not have to promulgate rules to determine the criminal offenses that are substantially related to a person's fitness and ability to perform duties of the profession.

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The Executive Director offered Board Members copies of S.B. 175 Fetal Death Certificates and Burials.

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Social Security notified Vital Statistics that form SSQQ-721 is no longer required because of Ohio's Electronic Death Registration System [EDRS]. The Board sent notices to all apprentices and posted the notice on the Board's website. In addition, the Executive Director asked for an update of EDRS to post on the Board's website.

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Ms. Cunningham asked if Board Members received copies of the recent series printed in the Dayton Daily News and various publication owned by Cox Publishing.

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As instructed, the Board Staff mailed a cover letter that accompanied the information letter from the Counselor and Social Worker Board concerning the use of the title "Counselor" to all funeral homes.

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Board Members and Staff received the Inspector General's Report with recommendations. The Board has implemented a process to track compliance issue and complaints to assure a timely resolution for consumers and licensees.

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Ms. Cunningham reported that the Board Staff contacted the Administrator of Geographic Information Systems, a state entity, to analyze the distribution of facilities between inspectors and to create an efficient method of inspecting such facilities.

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The Board's biennial audit is not complete at the time of this meeting.

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The State of Ohio OAKS data system for named financials will commence on July 1, 2007, Fiscal Year 2008.

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Ms. Cunningham requested a revision to the tax question for the quarterly examination because of the recent change to the sales tax rule.

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Mr. Jones represented the Board on June 14, 2007 at the Buckeye State Funeral Directors and Embalmers Association Annual Convention. Mr. Jones received per diem and reimbursement for allowable travel expenses.

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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 applications for crematory facility license 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. Tunnell, 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>
E C Nurre FH	Bethel	Clermont	05/24/07
Brown-Robinson FH	Elyria	Lorain	05/23/06
Anthony FH Kucko-Anthony-Kertesz C	Akron	Summit	09/26/06



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



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

Matthew K. Taylor, Kentucky, appeared before the Board as a prerequisite to approval of her application for reciprocal license.

John R. Vanaman, Illinois, appeared before the Board as a prerequisite to approval of his application for reciprocal license.

Russell D. Wiley, Oklahoma, appeared before the Board as a prerequisite to approval of his application for reciprocal license.

Tamisha Wise 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.



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



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>Applicant</u>	<u>City</u>
EMB 9248	FD 9231	Bereznay, Erika D.	Dayton
EMB 9249	FD 9232	Dillon, Robert J.	Masury
EMB 9250	FD 9233	Ebright, Brian D.	Frankfort
EMB 9251	FD 9234	Flor, Wendi M.	Dayton
EMB 9252	FD 9235	Knisley, Jered W.	Bainbridge

EMB 9253	FD 9236	Kyle, Benjamin A.	Hubbard
	FD 9237	Leightey, Ann M.	Up Sandusky
EMB 9254 R	FD 9238 R	Thorman, Timothy L.	Cambridge
	FD 9239	Wilson, Charles L.	Akron

There were no applications for embalmer and/or funeral director registration numbers during the month of May 2007.

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The following individual certified an apprenticeship during the month of May 2007.

<u>Certificate no.</u>	<u>Type</u>	<u>Applicant</u>	<u>Funeral home</u>	<u>Location</u>
F 0060 04	FD	Johnson, Wendy E	Thomas G. Smith FH Cleveland Hts.	05/01/07

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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	81	145
Quarterly Master Reports	13	24
Board Interviews	4	6

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license Issue No. 1

The Board reviewed a letter from Jennifer McKenna in which Ms McKenna requested permission to serve her embalmer apprenticeship at Smith Moore Funeral Home in Bainbridge and her funeral directors apprenticeship at the Ebright Funeral Home in Frankfort. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved Ms. McKenna’s request provided she properly certifies her apprenticeships. Ayes: 6. Nays: 0. Motion approved.

License Issue No. 2

The Board reviewed a letter from Tracy Lynn Armstrong in which Ms. Armstrong requested permission to modify the apprenticeship timeline for licensure. On a motion by Mr. Shank, seconded by Mr. Hadley, the Board denied Ms. Armstrong’s request to serve her apprenticeship during the summer months over a longer period of time. Administrative Rule 4717-1-12(E) states in part: “the applicant must satisfactorily complete twelve consecutive months of apprenticeship under a funeral director licensed in the state of Ohio...” Ayes: 6. Nays: 0. Motion approved.

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Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal with a balance as of \$1,153,985.02 as of the end of May, 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 May, and a comparison chart of expenditures to date.

Members received a copy of the Board’s Minority Business Enterprise Set-Aside and Encouraging Diversity, Growth and Equity Projection Plan for Fiscal Year 2008.

Board Members received a copy of Budget in Detail, Substitute House Bill 119, 127<sup>th</sup> General Assembly produced June 5, 2007 by the Legislative Service Commission. The report confirmed the appropriation amounts as recommended by the Senate and a comparison of the House and Senate recommendations.

On a motion by Mr. Shank, seconded by Mr. Primm, the Board approved the person service contract with Blaugrund, Herbert & Martin, Inc. to act as hearing officer at the rate of \$95.00 per hour for a maximum of \$4,750.00 for Fiscal Year 2008, pending availability of funds. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved the personal service contract for education consultant, Donald Neff, at the rate of \$25.00 per hour for a maximum of \$1,000.00 for Fiscal Year 2008, pending availability of funds. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Shank, seconded by Mr. Hadley, the Board approved the personal service contract for preneed project manager, Zachary Dunlap for Fiscal Year 2008, pending availability of funds. Ayes: 6. Nays: 0. Motion approved.

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#### Committee Reports

Mr. Hadley reported that the Continuing Education Committee prior to the Board meeting to review applications for approval of a continuing education activity.

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On a motion by Mr. Shank, seconded Mr. Primm, the Board went into executive session pursuant to Section 121.22(G) of the Revised Code, and Section 121.22(G)(3) of the Revised Code to conference with the Board's counsel to consider personnel and pending litigation. Roll call vote: DeJohn, recused; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; and Tunnell, Aye. Motion approved.

The President declared the Board out of executive session.

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#### Committee Reports[continued]

The Board reviewed a summary, prepared by Zach Dunlap, Preneed Project Manager that identified various problems that the Board may encounter with the OFDA preneed proposal and the Board's concerns. Mr. Dunlap stressed that everyone has the same goals, which is to prevent the large-scale fraud that has occurred in the past two years. In two cases alone, Van Horn and Peters, close to \$2 million in preneed funeral contract money was stolen. When this occurs, consumers are harmed and the trust for funeral homes is eroded. Issues include: (1) Endorsement fee funeral home renewal fee or increased renewal fee to pay for staff to monitor preneed, (2) Follow-up procedures to ensure that the money and reports submitted by funeral home are accurate and will withstand the biennial audit by the State Auditor. The Board does not have current funding or staffing levels to follow up with funeral homes on a systematic basis. (3) There is no framework in the Revised Code outlining the claims process. The Board cannot create the claims process by rule. The proposed recovery fund would be subject

to litigation. The Legislature must enact the process. (4) Cost of the claims process has not been discussed. If a claim is filed, the Board will have to investigate the validity of the claim. In Ohio, all recovery funds are handled by large state agencies with budget, staff and in-house counsel to administer the program. (5) Others will look to the fund for recovery. Litigation should be expected on any major denial. (6) Timely filing: The Preneed Annual Report was due March 30, but on March 28<sup>th</sup>, 453 funeral homes had not sent anything into the Board. 78 funeral homes failed to follow directions, 26 funeral homes are going through the disciplinary process. There are grave concerns that is 39% of funeral homes cannot file the annual report by March 30, is it prudent to expand the report to four times a year with only \$165,000 in proposed revenue. (7) Preneed Cancellation fee should be 10% of the total value of the preneed contract. (8) Between Van Horn and Peters, there was 1.8 million dollars stolen. Such a combination of defaults could bankrupt the program. A higher cap is important to prevent the need to revisit the Legislature for a change.



Inspectors' Reports

Between May 13, 2007 and June 9, 2007, Inspector Savage reported that he drove 1,008 miles in the counties of Cuyahoga and Mahoning.

Crematory facility inspections	0
Embalming Facility inspections	0
Funeral home inspections	21
Violations discovered	0
Investigations activities	4
Apprentices monitored	1
Hearings	0



From May 13, 2007 to June 9, 2007, Inspector Wisby drove 1,615 miles in the counties of Adams, Clermont, Darke, Franklin, and Hamilton.

Crematory facility inspections	6
Embalming Facility inspections	0
Funeral home inspections	52
Violations discovered	0
Investigations activities	2
Apprentices monitored	1
Hearings	0



Compliance

Mrs. Baugess reported that there were two hearing conducted since the May Board meeting. In addition, the Board office received \$500 forfeiture from each of the following funeral homes for failure to submit the annual preneed report for calendar year 2006.

<u>Complaint no.</u>	<u>Funeral home</u>
0704077	Warren Funeral Home
0704078	Adkins Funeral Home
0704090	Johnson Brown Funeral Home

0704101	McCauley Funeral Home
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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 May.

<u>License #</u>	<u>Funeral Home</u>	<u>Licensee</u>	<u>Type</u>	<u>county</u>
Fh002651	Brown-Robinson FH	Brown, Vernon	MGR	Lorain
Fh000956	F C Daehler Mortuary Co	Gilmore, William	AIC	Scioto
Fh000956	F C Daehler Mortuary Co	Gilmore, William	MGR	Scioto
Fh002209	Murray Funeral Home Inc	Murray, John	AIC	Wayne
Fh002409	Rossi Bros Funeral Home Inc	Lellio, Frank	AIC	Mahoning
Fh002409	Rossi Bros Funeral Home Inc	Lellio, Frank	MGR	Mahoning
Fh002836	Rossi-Lellio FH	Morrow, Patrick	MGR	Mahoning
Fh000839	Schlientz & Moore Bros Inc	Moore, James	AIC	Montgomery
Fh000839	Schlientz & Moore Bros Inc	Miller George	MGR	Montgomery
Fh002263	Thomas-Justin Memorial FH	Cunningham, Brett	MGR	Hamilton

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Compliance Mail No. 1

The Board reviewed a response from Geoffrey Alan Wells concerning the Board’s decision to require a new application for funeral home license because of a change from C-Corporation status to sole proprietorship. Mrs. Meechan, A.A.G. will research the situation.

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Compliance Mail No. 2

The Board reviewed a letter from Aaron Borkoski concerning a firm title change. The Board approved the change from “Wood-Kortright Funeral Home” or Wood-Kortright-Borkoski Funeral Home.” Secretary to inform Mr. Borkoski that all signage and advertisements must reflect the new firm title

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Compliance Mail No. 3

The Board reviewed a letter from T. Scott Gilligan, Counsel to the Ohio Funeral Directors Association, addressed to James R. Rough, Executive Director of the Counselor, Social Worker & Marriage and Family Therapist Board in response to Mr. Rough’s letter concerning the use of the word “Counselor.” The letter was sent to all funeral homes in Ohio. Mr. Gilligan referred to Section 4757.41(A)(3) that provides an exemption when referring to a licensed funeral director engaging in preneed counseling. The letter did not address that use of the word “Counselor” when used by a person who is not licensed as a funeral director.

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Compliance Mail No. 4

The Board reviewed a letter from Daniel J. Rospert concerning a firm title change. The Board approved the change from “Hilliard-Mullaney-Rospert Funeral Home” to “Hilliard-Rospert Funeral Home.” Secretary to inform Mr. Rospert that all signage and advertisement must reflect the new firm tile.

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Vice-President Jones assumed the chair.

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to close complaint no. 0708029 in which a consumer complained that a funeral director inquired at the cemetery about the burial of a stored deceased human body. Roll call vote: DeJohn, recused; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Mrs. Baugess reported that as of June 13, 2007, there are twenty-eight (28) complaints under investigation by the Board office, twenty (20) charged complaints.

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Compliance Motion No. 1

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to close seven(7) investigatory files. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

<u>Complaint #</u>	<u>Date received</u>	<u>Issue</u>
0704112	04/18/07	Unprofessional conduct
0705127	05/14/07	Unprofessional conduct
0703058	03/03/07	Website “counselor”
0705130	06/12/07	Preneed “transfer”
0703066	06/12/07	Funeral bill dispute
0704123	04/28/07	Unprofessional conduct
0705125	05/14/07	Monument display

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Compliance Motion No. 2

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to charge James R. Zettler and the Zettler Funeral Home with violation of Section 4717.13(B) of the Revised Code, for failing to properly identify a dead human body prior to interment. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Motion No. 3

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to charge the Porter-Quall-Gary Funeral Home with violation of Section 4717.04(A)(9)(g) of the Revised Code, the funeral home mislead the public by using false or deceptive advertising, specifically for failing to use the correct funeral home name as licensed on the outside sign since the name changed in 2005. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Motion No. 4

On a motion by: Mr. Tunnell, seconded by: Mr. Shank the Board voted to charge Schoedinger Funeral Choice with violation of Section 4717.04 (A)(9)(g) of the Revised Code, licensee mislead the public by using false or deceptive advertising, specifically for listing a funeral home, address and phone number for a facility not licensed as a funeral home on website information, obituary and on at least one death certificate. This location

is strictly used for the purpose of arrangements.. This entity is not licensed as a funeral home in the state of Ohio. The Board recommended a forfeiture pursuant to Sections 4717.15 & 4717-1-30(G) of the Revised Code in the amount of \$1000.00 for a first offense. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Motion No. 5

On a motion by: Mr. Hadley, seconded by: Mr. Primm, the Board voted to charge the Deborah J. Weaver, funeral director actually in charge of and ultimately responsible for the Walker Funeral Home and the Walker Funeral with violation of 4717.14(A)(5) 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. Specifically, for allowing an unlicensed staff member to perform funeral services on June 1, 2007. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Motion No. 6

On a motion by: Mr. Hadley, seconded by: Mr. Jones, the Board voted to charge Joseph Nero, funeral director actually in charge of and ultimately responsible for the Vito-Nero Funeral Home and the Vito-Nero Funeral Home with violation of Section 4717.14(A)(4) of the Revised Code for unprofessional conduct and Rule 4717-1-18(G) Administrative Code for failure to comply with the Board's request during an investigation. Specifically, failing to provide a written response to complaint #0703064. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Motion No. 7

On a motion by: Mr. Shank, seconded by: Mr. Primm, the Board voted to charge Joseph Nero, funeral director actually in charge of and ultimately responsible for the Vito-Nero Funeral Home and the Vito-Nero Funeral Home with violation of Section 4717.14(A)(4) of the Revised Code for unprofessional conduct and Rule 4717-1-18(G) Administrative Code for failure to comply with the Board's request during an investigation. Specifically, failing to provide a written response to complaint #0703056. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Motion No. 8

On a motion by: Mr. Hadley, seconded by: Mr. Jones, the Board voted to charge Willard R. Mills, Jr., funeral director actually in charge of and ultimately responsible for the McClave-Chandler-Mills Funeral Home and the McClave-Chandler-Mills Funeral Home with violation of 4717.14(A)(4) Revised Code for unprofessional conduct and 4717-1-18(G) Administrative Code for failure to comply with the board's request during an investigation. Specifically, failing to provide a written response to complaint #0507059. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Compliance Motion No. 9

On a motion by: Mr. Primm, seconded by: Mr. Hadley, the Board voted to charge Willard R. Mills, Jr., funeral director actually in charge of and ultimately responsible for the McClave-Chandler-Mills Funeral Home and the McClave-Chandler-Mills Funeral Home

with violation of Section 4717.14(A)(4) of the Revised Code for unprofessional conduct and Rule 4717-1-18(G) Administrative Code for failure to comply with the board's request during an investigation. Specifically, failing to provide a written response to complaint #0707004. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

Mrs. Baugess presented the following compliance issues for Board consideration and discussion.

#### Compliance Issue #1

The Board received a complaint that an unlicensed person (Ms. X) was selling preneed contracts for the funeral home. The Board's Inspector obtained copies of five preneed contracts from funeral home, and contacted the consumers by telephone. Unable to reach one of the five consumers, the Inspector spoke with four consumers. All four consumers stated that they met with Ms. X, and they believed Ms. X was a funeral director.

#### Facts:

- Insurance paperwork was completed and signed by Ms. X, an insurance agent.
- Funeral director signed statement of Goods and Services after the sale.
- The licensed funeral director did not meet with the family.
- In one instance, the Statement of Goods and Services was not signed by a funeral director, the space was left blank.

#### Questions:

- Can a funeral director sign the Statement of Goods and Services after the sale if funeral director never met or spoke with the consumer?
- Can an insurance agent complete, but not sign the Statement of Goods and Services?
- What about the instance of no signature?

#### Compliance Issue #2

The Board received a complaint that an unlicensed person (Mr. X) was selling preneed contracts for the funeral home. The Board staff obtained a copy of the contract and contacted the consumer by telephone. The consumer stated that he met with Mr. X.

#### Facts:

- Mr. X, an insurance agent, met, completed and signed the insurance paperwork
- The funeral director signed the statement of goods and services did not meet with the consumer, but signed the preneed contract after the sale.

#### Questions:

- Can a funeral director sign the Statement of Goods and Services after the sale if funeral director never met or spoke with the consumer?
- Can an insurance agent complete, but not sign the Statement of Goods and Services?

The discussion that followed included questions and comments:

Where is proposed preneed legislation, when will it be introduced?  
To acquire and sustain staffing levels to process unknown process; \$3 million or \$2 million dollar cap on recovery fund, or \$100 endorsement fee?  
What skills and knowledge are necessary to review contracts?  
How many preneed contracts?  
Eliminate recovery fund and replace with surety bond?  
when funeral home closes, who distributes preneed?



The Board meeting recessed at 5:10 P.M.



Tuesday – June 20, 2007

The Board reconvened at 8:00 A.M. in the Board Office on the 16<sup>th</sup> 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, 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 June 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. 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. Primm, 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. Tunnell, 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 2006-2008:

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/Denied</u>
	X	Peter J. Hyland	Granted
	X	James W. Heilman	granted



Secretary instructed to advise licensees on exemption from the required continuing education that the licensee is not permitted to practice embalming or funeral directing and therefore is not permitted to advertise as a licensed embalmer and/or funeral director.

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On a motion by Mr. Shank, seconded by Mr. Primm, the Board voted to charge Warren J. Newcomer, Jr., funeral director actually in charge of and ultimately responsible for the Newcomer Funeral Home, and the Newcomer 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. The Board recommended a forfeiture pursuant to Section 4717.15 and Rule 4717-1-30(D) of the Administrative Code, in the amount of \$2,500 for a first offense. 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 Thomas A. Routsong, funeral director actually in charge of and ultimately responsible for the Routsong Funeral Home, and the Routsong 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. The Board recommended a forfeiture pursuant to Section 4717.15 and Rule 4717-1-30(D) of the Administrative Code, in the amount of \$2,500 for a first offense. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

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Mrs. Meechan, A.A.G., reported that Mr. Slone was withdrawing his application for licensure, and that she was working on two separate appeals, Kirkland, and Crosby-Edwards.

Mrs. Baugess reported that Imwalle Funeral Home remitted a forfeiture of \$7,500.00.

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On a motion by Mr. Tunnell, seconded by Mr. Jones, the Board meeting adjourned at 9:06 A.M. Ayes: 6. Nays: 0. Motion approved.