

Monday – August 20, 2007

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center at 77 South High Street in Columbus, Ohio. Pernel Jones, President, called the meeting to order at 1:00 P.M. Other Board members present were: Ross C. DeJohn, John J. Hadley, 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 and Licensure Examiner, Lena Wright, Administrative Assistant, and Ann Cunningham, Executive Director.

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On a motion by Mr. Shank, seconded by Mr. Hadley, the Board approved, as amended, the minutes of the meeting held on July 16-17, 2007. Ayes: 6. Nay: 0. Motion approved.

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Executive Director's Report

Mr. Hadley monitored the Ohio Laws examination on July 25, 2007. He received per diem and will be reimbursed for allowable travel expenses.

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Mr. Hadley will represent the Board at the Ohio Funeral Directors' Apprentice Seminar on October 2, 2007. Staff members will also present information to the apprentices

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Ms. Cunningham informed the Board Members that she reminded the Governor's Office that the Board needs one public member over sixty years of age and one Board member who is licensed as an embalmer and funeral director.

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Board Members received information on the two-hour ethics class required by Executive Order 2007-01S. There is no registration for the classes offered September 7 and October 5, 2007. Board Members will be paid per diem and reimbursed for allowable travel expenses.

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Board Member received a copy of Executive Order 2007-27S that creates a standardized Internal Audit Process.

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Board Members were informed that Brent Peters of the former Mader-Peters Funeral Home was sentence to prison for ten years and five years supervision. The Judge also ordered Mr. Peters to provide a workable plan for paying back his victims.

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Board Member received a copy of the recent audit, for July 2005 through June 30, 2007. Items mentioned for improvement were: (1) routine inspections of facilities, (2) deposits of revenue, (3) annual report, and (4) revenue reconciliations. The auditors did not recognize that the Board office initiated a procedure in September 2006 in which the inspectors enter inspection dates into OHLicense, allowing the creation of a list of facilities that have not been inspected within the fiscal year. Nor did the report mention that the procedure was expanded to enter more information in order to compile information for monthly reports.

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Ms. Cunningham reported that after performing multiple spatial analysis queries the Administrator of Geographic Information Systems concluded that based on the current

location of the inspectors, any redistribution of facilities to equalize mileage costs would result in a significant imbalance in the number of facilities each inspector would inspect.



H.B. 104 Criminal Background Check passed the House. The Boards involved are developing rules.



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.



There was no movement on S.B. 175 Fetal Death Certificates and Burials.



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to print and mail the Preneed Summer 2007 newsletter to all licensees and funeral homes. Ayes: 6. Nays: 0. Motion approved.



Board Members received copies of the notes from the August 15<sup>th</sup>, 2007 meeting of parties interested in S.B. 196. The Board Members decided to meeting on September 6, 2007 to discuss the issues.



Licensure

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



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

<u>Crematory Facility</u>	<u>City</u>	<u>County</u>
Northcoast Crem Ltd	Genoa	Ottawa



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



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



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



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



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

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Cunningham	Cincinnati	Hamilton	06/04/07
Deyo-Davis FH	Columbus	Franklin	05/23/07

Holan-Bican FH	Cleveland	Cuyahoga	10/06/06
Lanning FH	Crooksville	Perry	10/25/06
Lanning FH	Roseville	Muskingum	04/12/07
O'Shaughnessy FH	Columbus	Franklin	03/13/07
Stofcheck-Ballinger	Prospect	Marion	08/30/06
Stofcheck-Ballinger	LaRue	Marion	08/30/06
Stofcheck-Ballinger	Richwood	Union	08/10/07

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

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Previously, the Board approved the issuance of a funeral home license to the following after approval of the application, receipt of the occupancy permit, and the final inspection. The funeral home license no. was issued the date of the final inspection.

License #	Funeral Home	Location	Final inspection
FH 002960	Sheridan F Chapels	Millersport	07/23/07

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Mrs. Clark reported on registrations, apprenticeships, and initial licenses to the Board Members.

License Issue No. 1

The Board reviewed a letter from John E. Montgomery concerning reciprocity with Ohio. On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to deny Mr. Montgomery's request for reciprocity because he does not complete the required 12-month program in mortuary science. Ayes: 6. Nays: 0. Motion approved.

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License Issue No. 2

The Board reviewed a letter from Forrest E. Sunkle requesting to be grandfathered under the regulations that existed in 1991. While Mr. Sunkle completed his embalmer and funeral director apprenticeships, he did not take the examinations, and therefore was not licensed in 1992. Incomplete and/or inactive records are destroyed under the Board's ten-year retention schedule. On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to deny Mr. Sunkle's because the Board has no authority to exempt or grandfather individual applicants. Ayes: 6. Nays: 0. Motion approved.

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License Issue No. 3

The Board reviewed a letter from Lori A. Hall-Diaz concerning part-time employment during her apprenticeship. On a motion by Mr. Tunnell, seconded by Mr. Primm, the Board voted to allow Ms. Hall-Diaz to work part time during her funeral director apprenticeship for no more than twenty (20) hours per work. Ayes: 6. Nays: 0. Motion approved.

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License Issue No. 4

The Board reviewed a letter from Rebecca Spears concerning reinstatement of her embalmer and funeral directors licenses. On a motion by Mr. Shank, seconded by Mr. Primm, the Board voted to allow Ms. Spears to reinstate her licenses provided she successfully passing the Ohio laws examination and remits the renewal and penalty fees mandated by Section 4717.08 of the Revised Code. Ayes: 6. Nays: 0. Motion approved.



On a motion by Mr. Hadley, seconded by Mr. DeJohn, 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>Location</u>
EMB-9255 A FD-9241	Monica R. Brown	Cincinnati

The following individual were issued embalmer and/or funeral director registration numbers during the month of July 2007.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD-0327	Best, Stephen R.	Barberton	07/10/07
EMB-0227 FD-0331	Cherry, Brenda J.	Columbus	07/25/07
FD-0329	Corliss, Jean A.	Niles	07/10/07
EMB-0226 FD-0328	Dimmick, Daniel S.	Tiltonville	07/10/07
FD-0330	Griswold, Robert W.	Bridgeport	07/10/07
EMB-0228 FD-0332	Spannati, Bret J.	Amelia	07/27/07

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

<u>Certification</u>	<u>Name</u>	<u>Funeral home</u>	<u>City</u>	<u>Date</u>
FD-0327	Best, Stephen R.	Silva-Hostetler FH	Barberton	07/23/07
FD-0329	Corliss, Jean A.	Holloway-Williams FH	Niles	07/17/07
EMB-0226 FD-0328	Dimmick, Daniel S.	Borkoski Funeral Home	Tiltonville	07/10/07
EMB-0213 FD-0312	Goldsmith, Sean R.	Hoeflinger-Bolander FH	Oregon	07/19/07



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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	79	105
Quarterly Master Reports	13	17
Board Interviews	11	15



The Board reviewed the grades of the Ohio laws examinations that were written July 25, 2007. On a motion by Mr. Hadley, seconded by Mr. DeJohn, 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 complete application with the initial license fee. The two-year funeral director applications will also need proof of successfully passing the Funeral Service Arts examination. A list of the applicants, their scores and license number will be entered into the journal. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.



Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal with a balance as of \$9,046.00 as of the end of July 2007. Also, the Board reviewed the voucher journal with 40 vouchers and encumbrances for July, and there was no comparison chart of expenditures to date due to the lack of reports currently available in the OAKS.



Inspectors' Reports

Inspector: WISBY	Board meeting: AUGUST 2007
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Report includes two 2-week expense-reporting periods prior to Board Meeting  
[Twice a year report includes three 2-week expense-reporting periods]

Start date: JULY 8, 2007	End date: AUGUST 18, 2007		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	12*	0	72**

\*7 were Frank's Area

\*9 were Frank's Area

Total facilities as of July 1	49	2	555
New facilities added after July 1	0	0	1
Facilities closed after July 1	0	0	2
Adjusted total	49	2	554
Annual inspections to-date	5		63
Remaining to be inspected this FY	44	2	491
Violations this period			7
Apprentices Monitored this period	0		
<u>Mileage</u>			
Mileage this report	4969		
Total FY mileage to-date	4969		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	3		
Bd office-hearing/meetings	7/16, 7/17, 7/23, 7/24, 8/2, 8/13		
Conferences/presentations	0		
Court	0		
Leave	7/20, 8/6, 8/16(leave & service state car)		

Training	0
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Inspector: SAVAGE	Board meeting: AUGUST 2007
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Report includes two 2-week expense-reporting periods prior to Board Meeting  
[Twice a year report includes three 2-week expense-reporting periods]

Start date: JULY 8, 2007	End date: AUGUST 18, 2007		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	11	0	97
Total facilities as of July 1	46	2	619
New facilities added after July 1	0	0	2
Facilities closed after July 1	0	0	2
Adjusted total	46	2	619
Annual inspections to-date	13	0	111
Remaining to be inspected this FY	33	2	508
Violations this period	0	0	5
Apprentices Monitored this period			
<u>Mileage</u>			
Mileage this report	1755		
Total FY mileage to-date	2253		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	4		
Bd office-hearing/meetings	7/16, 7/17, 8/1, 8/2		
Conferences/presentations	0		
Court	0		
Leave	7/11, 7/13, 7/20, 7/27, 8/3, 8/14, 8/16, 8/17		
Training	0		



Compliance

Mrs. Baugess reported that there were three hearings conducted since the July Board meeting. There were no forfeitures or Reports and Recommendations.

Mrs. Baugess reported that as of August 14, 2007, there are sixteen (16) complaints under investigation by the Board office, thirty-one (31) charged complaints pending for hearing or settlement.



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 July.

<u>License #</u>	<u>Business Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002939	Ingling Williams FH	Hartzel, David	MGR	Clark
FH002885	Corrigan-DiCicco FH	Cannon, Lindsey	MGR	Cuyahoga
FH002145	McGorray Bros Co	Hanna, James	MGR	Cuyahoga
FH002489	McGorray Bros FH	Hanna, John	MGR	Cuyahoga
FH002041	Argo-Bolton & Lunsford	Hahn, Jackie	MGR	Hamilton
FH001232	Nicholls FH	Gillum, David	MGR	Hamilton
FH001232	Nicholls Funeral Home	Gillum, David	AIC	Hamilton
FH002673	Nurre-Mihovk-Rosenacker	Mihovk, Karen	MGR	Hamilton
FH002880	Carter FHs Inc	Bridgeforth, Gregory	MGR	Lorain



Compliance Motion No. 1

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to close two (2) 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>
0706128	06/14/07	Death certificate filing
0708019	08/01/06	preneed



Compliance Motion No. 2

The following motions were made pursuant to the report and recommendation of Hearing Officer, Marc E. Myers, on the hearing held May 14, 2007 relative to violations by Steven O. Spears and the Jerry Spears Company for violation of Section 4717.14 (A) (4) of the Revised Code, for unprofessional conduct; specifically for signing another person's name to a release form without permission, and making the removal of the body without permission, on or about June 5, 2006; and with a violation of Section 4717-1-18(A) of the Administrative Code for solicitation of a dead human body by making numerous telephone calls to the family of the inquiring as to whether or not a decision had been reached. Objections to the Report & Recommendations were submitted for consideration prior to voting.

On a motion by Mr. DeJohn, 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. DeJohn, 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. DeJohn, 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

Board Order

The Board of Embalmers and Funeral Directors ordered embalmer license no. EMB0992 A and funeral director license no. FH008865 held by Stephen O. Spears to be suspended for ten (10) days beginning September 13, 2007, and funeral license no. FH002067 held by Jerry Spears Company remit a forfeiture of five hundred dollars.



Compliance Motion No. 3

On a motion by Mr. DeJohn, seconded by: Mr. Shank, the Board voted to charge Hall-Jordan and Pretty Funeral Home with violation of Administrative Rule 4717-1-30 (C) unprofessional conduct, and Administrative Rule 4717-1-18 (D) for violating the Federal Trade Commission part 453 - funeral industry practices revised rule. Specifically for failure to provide a general price list upon request. Pursuant to Sections 4717.15 of the Revised Code, and Administrative Rule 4717-1-30(C), the Board recommended a forfeiture in the amount of \$500.00 for a first offense. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye



On a motion by Mr. DeJohn, seconded by Mr. Shank, 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 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



Compliance Motion No. 4

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to close four (4) investigatory files. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

<u>Complaint no.</u>	<u>Date received</u>	<u>Issue</u>
0711034	11/16/06	Preneed
0711035	11/16/06	Preneed
0711036	11/16/06	Preneed
0701054	02/05/07	preneed



Compliance Mail No. 1

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board voted to permit the Nicholls Funeral Home permission to operate for twelve (12) months after the death of Fred S. Nicholls. Ayes: 6. Nays: 0. Motion approved.

Compliance Mail No. 2

The Board reviewed a letter from David E. Anthony concerning change of firm title. The Board accepted the change from "McGowan-Reid and Santos Funeral Home" to "Anthony Funeral Home - McGowan-Reid and Santos." Secretary to inform Mr. Anthony that all advertisements and signage must reflect the new firm title.

Compliance Mail No. 3

The Board reviewed a letter from D. Allen English concerning change of firm title. The Board accepted the change from “Uhrich-Hostettler Funeral Home, Inc.” to “Uhrich-Hostettler English Funeral Home, Inc.” Secretary to inform Mr. English that all advertisements and signage must reflect the new firm title.

Compliance Mail No. 4

The Board reviewed a letter from James A Morman concerning firm title change. The Board accepted the change from “Hinman-Tanner Funeral Home” to “Morman-Hinman-Tanner Funeral Home.” Secretary to inform Mr. Morman that all advertisements and signage must reflect the new firm title.

Compliance Mail No. 5

The Board reviewed a letter from Mark Holan concerning the closing of Holan-Tkacz Funeral Home. The Board records will be amended to indicate the closure and purchase by another funeral home, Bican Bros. Inc.

Compliance Mail No. 6.

The Board reviewed a letter from John B. Christian and Daniel T. Skivolocke requesting an exemption from Section 4717.06(B)(3) of the Revised Code, firm title. On a motion by Mr. DeJohn, seconded by Mr. Shank, the Board voted to deny the request to exempt the Walton-Schrader Funeral Home from the firm title law. Section 4717.06(B)(3) of the Revised Code requires funeral homes to be in the name of the funeral director who is actually in charge of and ultimately responsible for the funeral home. Ayes: 6. Nays: 0. Motion approved.

Compliance Mail No. 7

The Board reviewed a letter from Kyle Stofcheck concerning the merger between Stofcheck Funeral Homes in Richwood and LaRue with Gehm Ballinger Funeral Home in Prospect. The Ballinger Funeral Home in Richwood is closed. Applications for funeral home license were submitted and the Board’s records will reflect the closure of the Ballinger Funeral Home in Richwood.

Compliance Mail No. 8

The Board reviewed a letter from Sally Neikirk, Executor of the Estate of Fred H. Moore. Ms. Neikirk requested permission to continue the operation of the Smith-Moore Funeral Home in Bainbridge. On a motion by Mr. Shank, seconded by Mr. Hadley, the Board approved the operation of the Smith-Moore Funeral Home for twelve months until July 28, 2008. Ayes: 6. Nays: 0. Motion approved.

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The Board meeting recessed at 5:00 P.M.

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Tuesday – August 21, 2007

The Board reconvened at 8:00 A.M. in the Riffe Center in Columbus, Ohio. President Pernel Jones presided. Present were: Ross C. DeJohn, John J. Hadley, Roger Primm, Robert L. Shank, Kurt A. Tunnell, Laura Meechan, Frank Savage, Charles H. Wisby,

Jennifer Baugess, Lena Wright, Ann Cunningham. Barbara Hadley observed the Board meeting.

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On a motion by Mr. Shank, seconded by 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 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

Compliance Motion No. 5

On a motion by Mr. Shank, seconded by Mr. Primm, the Board voted to charge Louis D. Ripepi and the Ripepi Funeral Home with a violation of Section 4717.14 (A)(4) of the Revised Code, for unprofessional conduct. Specifically for collecting funds for funeral services which the funeral home did not provide; and for failing to forward these funds to the funeral home that provided the funeral services. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye

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Continuing education

The list of continuing education programs considered by the Board during the August 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. Shank, seconded by Mr. Hadley , the Board approved, and where indicated denied, the Prior Approval with Blanket approval continuing education programs, and individual 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, the Prior Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Primm, seconded by Mr. Shank, 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.

There were no applications for exemptions or waivers of the continuing education requirement.

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On a motion by Mr. Primm, seconded by Mr. Shank, the Board meeting adjourned at 9:24 A.M. Ayes: 6. Nays: 0. Motion approved.