

Monday – October 15, 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 1:01 P.M. Other Board members present were: Ross C. DeJohn, Jr., John J. Hadley, Roger Primm, and Kurtis A. Tunnell. Also, present were: Walter J. McNamara 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. Also present were Marie Lorzs and Sue Stead

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On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved, as amended, the minutes of the meeting held on September 17-18, 2007. Ayes: 4. Nay: 0. Motion approved.

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Executive Director's Report

The Governor's Office has not appointed one public member over sixty years of age or one Board member who is licensed as an embalmer and funeral director.

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On October 5, Mr. Tunnell participated in the two-hour Board Member Ethics Training required by Executive Order 2007-01S. Mr. Tunnell was paid per diem and allowable travel expenses.

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Board Members were reminded that Mrs. Baugess, Ms. Cunningham, Mr. DeJohn will attend the North American Cemetery Regulators meeting in Deerfield Beach, Florida October 31, 2007 to November 3, 2007. The main topic of the meeting is preneed offered by the Florida Division of Funeral, Cemetery, and Consumer.

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The 2008 meeting calendar was posted on the Board website and copies distributed to Board Members and staff.

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The Executive Director expressed doubt that the Board will have the funds to attend the FARB Annual Conference January 24-27, 2008.

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Board President Jones and Secretary/Treasurer Primm will attend the 104th Annual Convention of the International Conference of Funeral Service Examining Boards to be held at the San Antonio Doubletree airport hotel on February 28-29, 2008. In addition to the convention, Ms. Cunningham and Mrs. Baugess will attend the annual meeting of the Association of Executives held during the same Convention. Board Members will receive per diem and allowable travel expenses

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Ms. Cunningham introduced Inspector Savage who announced his retirement effective December 31, 2007.

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Board Members received copies of a news article concerning the body parts situation on the East Coast, the PBS Frontline program titled "The Undertaking," and a copy of the Summer 2007 newsletter from the Funeral Consumers Alliance.

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Persons Before the Board

Marlan J. Gary, licensed embalmer and funeral director appeared before the Board to request permission to use the firm title “Porter-Qualls-Gary.” President Jones informed Mr. Gary that the law does will not permit the Board to make an exception, and expressed confidence in Mr. Gary’s ability to operate his newly proposed funeral home. Mr. Hadley added that Mr. Gary could use the phrase “formerly Porter-Qualls” in his advertisements.



Licensure

There were no applications for crematory facility license to be considered by the Board.



On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved the following applications for crematory facility pending receipt of the occupancy permit and final inspection by the Board’s inspector. Aye: 4. Nays: 0. Motion approved.

<u>Crematory Facility</u>	<u>City</u>	<u>County</u>
Engle-Shook Cr	Tiffin	Seneca



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. DeJohn, seconded by Mr. Hadley, the Board approved the following applications for funeral home license. Ayes: 4. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
George P. Catavolos FH	Lakewood	Cuyahoga	Lease
Marlan J. Gary FH	Columbus	Franklin	07/24/07
Gasiorowski-Hanneman FH	Toledo	Lucas	04/10/07



On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved the following application for funeral home license pending receipt of the occupancy permit and final inspection by the Board.

<u>Firm title</u>	<u>Location</u>	<u>County</u>
Foos & Foos FS	Bellevue	Sandusky



There were no previously approved applications for funeral home license that submitted an occupancy permit, and had a final inspection.



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



License Issue No. 1

The Board reviewed the application for registration, in particular, the college transcript for Bruce Wayne Phipps. Mr. Phipps submitted a transfer from Bliss College, Columbus, Ohio, indicating that he received a Bachelor of Commerce degree in June 1969. Bliss College is no longer in existence. The Board staff contacted the Ohio State Board of Career Colleges and Schools, which maintains the archives of Bliss College. Harold Brown, PhD, Curriculum Consultant, determined that the Bachelor of Commerce degree was legitimate. On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board accepted the transcript and the application of Mr. Phipps. Ayes: 4. Nays: 0. Motion approved.



License Issue No. 2

The Board reviewed a letter from Charles A. Brown in which Mr. Brown requested reinstatement of his embalmer and his funeral director licenses. On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved Mr. Brown’s request provided he successfully passes the required examinations and remit the renewal and penalty fees. Ayes: 4. Nays: 0. Motion approved.



License Issue No. 3

The Board reviewed a letter from Brian J. Bonar in which Mr. Bonar requested consideration of his West Virginia license and work experience for reciprocal licenses. Section 4717.04(A)(3) of the Revised Code states: “the applicant holds at least a bachelor’s degree from a college or university authorized to confer degrees by the Ohio board of regents or the comparable legal agency of another state in which the college or university is located and submits an official transcript from that college or university with the application.” On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to deny his request because Mr. Bonar did not fulfill the educational requirements of a bachelor’s degree. Ayes: 4. Nays: 0. Motion approved.



License Issue No. 4

The Board reviewed a letter from Marc Alan Kowalk requesting reinstatement of his licenses. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved his request, and directed the Secretary to notify Mr. Kowalk of the next examination and the amount of late penalties. Ayes: 4. Nays: 0. Motion approved.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to issue embalmer and/or funeral director licenses to the following qualified applicants. Ayes: 4. Nays: 0. Motion approved.

<u>License No.</u>	<u>Applicant</u>	<u>Location</u>	<u>Date</u>
FD 009265	Isaacs, James M	Fairborn	10/15/07
FD 009266	Minehart, Jeremiah J.	Upper Sandusky	10/15/07



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

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB 0229 FD 0340	Aler, Kyle	Bellefontaine	09/30/07

EMB 0230 FD 0341	Auxter, Hannah	Clyde	09/40/07
EMB 0231 FD 342	Brown, Kristine	Cincinnati	09/30/07
EMB 0232 FD 0343	Case, Jason	Amelia	09/30/07
EMB 0233 FD 0344	Ciampanella, Allison	Cincinnati	09/30/07
FD 0345	Douglas, Nathaniel	Dennison	09/30/07
FD 0338	Lewis, Frank	Springfield	09/14/07
FD 0346	Schoedinger, Kevin	Columbus	09/30/07
FD 0339	Screech, Judith	Trotwood	09/14/07
EMB 0234 FD 0347	Young, Joseph	Ross	09/30/07



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

<u>Cert. No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Date</u>
EMB0229 FD-0340	Aler, Kyle D.	Vernon Funeral Home	Urbana	09/30/07
EMB0230 FD-0341	Auxter, Hannah E.	Mitchell-Auxter FH	Clyde	09/30/07
EMB0212 FD-0310	Boorum, Tracy V.	Roberts FH Sherwood C	Wooster	09/03/07
EMB0231 FD-0342	Brown, Kristine K.	Reed FH	Canton	09/30/07
FD-0334	Brown, Rosetta	J. Martin Smith	Columbus	09/20/07
EMB0232 FD-0343	Case, Jason M.	EC Nurre FH	Amelia	09/30/07
FD-0345	Douglas, Nathaniel	Linn-Hert & Geib FH	New Philadelphia	09/30/07
FD-0336	Hall-Diaz, Lori	Gary Memorial	Columbus	09/17/07
FD-0338	Lewis, Frank J.	Jackson-Lytle & Williams	Springfield	09/25/07
FD-8777	Liston, Renee	Kacirek FH	North Olmsted	09/25/07
EMB0114 FD-0170	Rainey, Sharon	Nicholls FH	Cincinnati	09/10/07
FD-0346	Schoedinger, Kevin	Schoedinger Worthington	Worthington	09/30/07

FD-0339	Screech, Judith	Thomas FH	Dayton	09/14/07
FD-0337	White, Demeatres	Thompson-Hall & Jordan	Forest Park	09/10/07
FD-0333	Zerhusen, Dianna	Gwen Mooney FH	Cincinnati	09/17/07
EMB0234 FD-0347	Young, Joseph	Charles C. Young FH	Ross	09/30/07

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

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	241	326
Quarterly Master Reports	40	54
Board Interviews	5	8

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Board Members reviewed the new Ohio comprehensive examination information to be posted on the Conference website. The information included how to apply, requirements for the computer-based examination, and an application. On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved the information. Ayes: 4. 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 indicating that the Board collected \$9,580.00 in September 2007. Also, the Board reviewed the voucher journal with 26 vouchers and encumbrances for September, and a Budget Overview chart of allotments and expenses. The staff continued to express dismay at the lack of reports currently available in the OAKS system. As directed by the Board, the Board staff will continue to document the situation for future audits.

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Committee Reports

Mr. Hadley reported that the Continuing Education Committee met the morning of the Board meeting to review the CE#2 applications.

Senate Bill 196 was discussed and Mr. Hadley and Ms. Cunningham with meet with Peter Voderberg, Aide to Senator Tim Schaffer on October 18, 2007. Mr. Voderberg is still waiting to hear from the Attorney General's Office concerning the proposed Preneed Recovery Fund. The legislation was assigned to the Senate Insurance, Commerce and Labor Committee.

President Jones expressed his belief that some funeral directors want insurance agents to sell preneed along with the insurance policy, funeral directors should do their job and sell the preneed, and preneed funded by insurance should be reported along with the preneed funded by trusts. Mr. Hadley suggested that insurance agents disclose that they are insurance agents and that they prepare an estimate of the funeral costs, but the funeral director must sell the preneed contract.

The Board's Preneed summer 2007 Newsletter included the word "discuss," and the Board members discussed the use of the word, finally determining that the proposed legislation needs to contain a memorialization of the difference between, a statement of goods and services and an estimate of funeral costs.

Education of consumers and funeral directors, disclosure of licensed insurance agents and licensed funeral directors, audit of funeral home preneed contracts are the key elements of good preneed legislation.

Board Members discussed the possibility of scanning the annual report into the Board database, giving the inspectors access to funeral home documents while they inspecting funeral homes. Inspector would determine where funds are deposited and who signed the statement of goods and services among other procedures. The questions of staffing and funds are still prominent in the discussion.

Board Members received a copy of a letter sent to Senator Schaffer by Susan T. Stead, attorney for Forethought Life Insurance Company, Forethought Federal Savings Bank, Homesteaders Life Company, National Guardian Life Insurance Company, Investors Heritage Life Insurance Company, Great Western Insurance Company and Assurant.

Mr. DeJohn left the meeting at this time.



Inspectors' Reports

Inspector: Savage	Board meeting: October 2007		
Start date: September 16, 2007	End date: October 13, 2007		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	0	0	27
Total facilities as of July 1	37	2	556
New facilities added after July 1	0	0	5
Facilities closed after July 1	0	0	6
Adjusted total	37	2	555
Annual inspections to-date	22	2	201
Remaining to be inspected this FY	15	2	354
Violations this period			0
Apprentices Monitored this period	2		
<u>Mileage</u>			
Mileage this report	1160		

Total FY mileage to-date	4446		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	4		
Bd office-hearing/meetings	9/17,9/18,10/2,10/3		
Conferences/presentations	0		
Court	0		
Leave	9/20, 9/24-27, 9/21,9/28,10/5, 10/12		
Training	0		



Inspector: Wisby	Board meeting: October 2007		
Start date: September 16, 2007	End date: October 13, 2007		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	5	0	46
Total facilities as of July 1	49	2	555
New facilities added after July 1	0	0	4
Facilities closed after July 1	0	0	9
Adjusted total	49	2	550
Annual inspections to-date	14	0	176
Remaining to be inspected this FY	35	2	374
Violations this period	0	0	3
Apprentices Monitored this period			
<u>Mileage</u>			
Mileage this report	2720		
Total FY mileage to-date	11192		
<u>Misc</u>	<u>Dates</u>		
Investigations this period			
Bd office-hearing/meetings	9/17, 9 /19, 10/2		
Conferences/presentations	0		
Court	0		
Leave	9/21, 9/27, 9/28, 10/5, 10/9		

Training	0
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Compliance

Mrs. Baugess reported that there were seven hearings and one Reports and Recommendations received in since the September meeting. There were three forfeitures paid, and the Board office received the preneed account update from Robert Tate as mandated by the original settlement.

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Mrs. Baugess reported that as of September 15, 2007, there are fifteen (15) complaints under investigation by the Board office, thirty-three (33) charged complaints pending for hearing or settlement.

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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 September.

License #	Facility Name	Licensee	Type	County
FH002939	Ingling Williams FH	Deitloff Jon	AIC	Clark
FH001776	Spoto Funeral Service	Spoto Vincent	MGR	Cuyahoga
FH002050	J Martin Smith Mortuary	Alli Rebecca	AIC	Franklin
FH002050	J Martin Smith Mortuary	Alli Rebecca	MGR	Franklin
FH002909	Schmidt-Dhonau Galloway FH	Kucner Andrew	AIC	Hamilton
FH002909	Schmidt-Dhonau Galloway FH	Kucner Andrew	MGR	Hamilton
FH002908	Schmidt-Dhonau-Galloway FH	Sikkema Yuri	MGR	Hamilton
FH000567	Edgington FH	Edgington Donald	AIC	Highland
FH000567	Edgington FH	Edgington Donald	AIC	Highland
FH002246	Reidy-Scanlan-Chambers FH	McGreevy Chad	MGR	Lorain
FH002573	Suber-Shively FH	Shively Roxanne	MGR	Miami
FH001327	Walter-Getts FH	Wesche Brian	MGR	Montgomery
FH002647	Arnold-Lynch FH	Arnold Wayne	AIC	Stark
FH002647	Arnold-Lynch FH	Arnold Wayne	AIC	Stark

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Compliance Motion No. 1

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to close six (6) investigatory files. Roll call vote: Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye

Complaint #	Date received	Issue
#0808010	09/09/07	Preneed transfer/cancellation
#0808013	09/05/07	Disposition of cremains
#0807003	07/05/07	Unprofessional

#0706139	06/21/07	Preneed/Medicaid refund
#0809018	09/05/07	Advertising
#0808008	08/13/07	Funeral bill dispute



Compliance Motion No. 2

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to charge Ronald McNabb and the McNabb Funeral Home with a violation of Section 4717.14(A)(5) of the Revised Code, for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision. Roll call vote: Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye



Compliance Motion No. 3

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to charge James E. Qualls, III with violation of Sections 4717.14(A)(4) and 4717.14(A)(3) of the Revised Code as they incorporate Administrative Rule 4717-1-18(F) for one or more of the following reasons: (1) licensee has committed an immoral or unprofessional conduct, a violation and (2) Licensee has violated Section 4717.14(A)(3) of the Revised Code which incorporates purposeful violations of Administrative Rule 4717-1-18(F), the misappropriation of any amount of money, paid by a consumer in order to fund their funeral service, by a funeral director, funeral home or funeral home's employee. Roll call vote: Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye



Compliance Motion No. 4

On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to charge Bryon Avance and the Avance Funeral Home with a violation of Section 4717.04(A)(9)(g) of the Revised Code, licensee mislead the public by using false or deceptive advertising, specifically for using a name other than that as licensed by the Board and for implying the crematory is a funeral home on the statement of goods and services. This entity is not licensed as a funeral home in the State of Ohio. Roll call vote: Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye.



The Board reviewed the Report and Recommendation for a hearing in which the Matthew A. Schwab and the Secor Funeral Home were charge with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct; specifically for ordering the removal of a body from a hospital without proper permission from the family on or about July 28, 2005.

The following motion were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers, on the hearing held June 11, 2007, concerning the previously listed violations. No objections to the Report and Recommendation were submitted for consideration prior to this meeting.

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

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

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

The Board ordered Matthew A. Schwab, embalmer license no. 008592 and funeral director license no. 008382, to remit a forfeiture of seven hundred fifty dollars and the Secor Funeral Home, funeral home license no. 002682, to remit a forfeiture of five hundred dollars.



Compliance Mail No. 1

The Board reviewed a letter from Jennifer M. Schoen, Paralegal with Frost Brown Todd, attorneys for Tredway-Pollitt Funeral Home concerning operation of the funeral home after the death of John H. Tredway. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the continued operation of the Tredway-Pollitt Funeral Home for twelve months until September 22, 2008. Ayes: 4. Nays: 0. Motion approved.

Compliance Mail No. 2

The Board reviewed a letter from Robert W. and Dona A. Shoemaker announcing the closure of the Shoemaker Funeral Home on Cleveland Avenue in Columbus on October 1, 2007. According to the letter, the Shoemakers notified the consumers holding preneed contracts of the closure, and informed the consumer that they could transfer the contract to another funeral home or the Rutherford Funeral Homes would honor the contracts.

Compliance Mail No. 3

The Board reviewed a letter from Reg Martin of Martin Management Services informing the Board of the sale of the property located at 2500 Cleveland Avenue in Columbus and the closure of the Porter-Qualls-Gary Funeral Home. The Board received a clearly enumerated list of preneed.

Compliance Mail No. 4

The Board reviewed a letter from E. Todd Fowler concerning the closure of his funeral home located at 4976 Winton Road in Fairfield. Mr. Fowler is sending the display license and a clearly enumerated list of preneed.

Compliance Mail No. 5

The Board reviewed an email letter from E. Todd Fowler expressing his concerns after his previous presentation to the Board. A.A.G. Walter McNamara will review and discuss the situation with the Board.

Compliance Mail No. 6

The Board reviewed a letter from John T. Harris concerning the change in ownership of the Harris Funeral Home and the failure to inform the Board and/or submit an application for funeral home license. The Board denied by Mr. Harris' request to credit the current renewal license fee toward the new application.

Compliance Issue No. 1

The Board reviewed a letter from James E. Qualls, III blaming the Board for allegedly telling Martin Management, the company serving as receiver of the Porter-Qualls Funeral Homes, of his plans to open a new funeral home. The Board directed the Executive Director to respond to Mr. Qualls that no employee of the Board contacted Martin Management.



The Board meeting recessed at 4:15 P.M.



Tuesday – October 16, 2007

The Board reconvened at 8:00 A.M. in the Riffe Center in Columbus, Ohio. President Pernel Jones presided. Present were: John J. Hadley, Roger Primm, Kurtis A. Tunnell, Frank Savage, Charles H. Wisby, Jennifer Baugess, and Ann Cunningham. Barbara Hadley observed the Board meeting.



Continuing education

The list of continuing education programs considered by the Board during the October 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. Primm, the Board approved, and where indicated denied, the Prior Approval with Blanket approval continuing education programs, and individual continuing education programs. Ayes: 4. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 4. 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: 4. 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: 4. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following exemptions and waivers. Ayes: 4, Nays: 0. Motion approved

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	
X		Higgins, Barbara	Approved

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved the following 50-year exemptions for continuing education. Ayes: 4, Nays: 0. Motion approved

<u>Date received</u>	<u>Licensee</u>	<u>I.D. No.</u>
09/17/07	Suber, Howard E	DUAL 005543
10/01/07	Short, Robert G.	DUAL 005536



On a motion by Mr. Hadley, seconded by Mr. Primm, the Board meeting adjourned at 8:14 A.M. Ayes: 4. Nays: 0. Motion approved.