

Monday – January 14, 2008

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: John J. Hadley, Roger Primm, and Robert J. Wasko. Also, present were: Walter McNamara, Assistant Attorney General; Eric E. Anderson, 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. Hadley, seconded by Mr. Wasko, the Board approved, as amended, the minutes of the meeting held on December 17-18, 2007. Ayes: 4. Nay: 0. Motion approved.

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Executive Director's Report

The Board welcomes Eric E. Anderson, the new Embalmer/Funeral Facility Inspector who began his employment on January 7, 2008. Mr. Anderson will work in the Board Office reviewing facility license folders and learning procedures of the Board and the State of Ohio.

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Ms Cunningham reported that she along with Mr. Jones, Mr. Primm, Mr. Wasko, and Mrs. Baugess would meet with Senator Tim Schaffer on January 15 to discuss S.B. 196 concerning preneed.

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Mr. Hadley will receive per diem and allowable travel expenses for monitoring the examinations on January 30, 2008.

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Ms. Cunningham reported that the Governor's Office requested the Board meeting schedule for the calendar year in order to improve communications with State Boards and Commissions. The Board Office forwarded the meeting schedule for the calendar year.

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Board Members received a copy a memorandum from the Office of Budget and Management explaining the procedure for early retirement incentive plans because the Governor's Office is exploring cost-containment options for agencies.

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Ms. Cunningham updated the Board Members on the procedure for processing Annual Preneed Reports for funeral homes including the need to hire temporary help to handle the numerous forms. The report forms are due March 30, 2008, and the Board Office plans to mail the blank forms in February.

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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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Licensure

There were no applications for a crematory facility.

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

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

<u>License No.</u>	<u>Crematory facility</u>	<u>Location</u>	<u>Final Inspection</u>
CREM 00 0120	Northcoast Crem	Genoa	01/08/08

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There were no applications for embalming facility license.

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On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following application for embalming facility licensed pending receipt of the occupancy permit and final inspection by the Board. Ayes: 4. Nays: 0. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>
H. T. Walker	Cincinnati	Hamilton

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

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

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
La Marca FS	Wickliffe	Lake	leasing

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On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following application for funeral home license pending receipt of the occupancy permit and final inspection by the Board. Ayes: 4. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Edwards FS	Columbus	Franklin

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

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

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On a motion by Mr. Hadley seconded by Mr. Wasko, 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-9282	Lawver-Dishong, Sarah M.	Uniontown	01/14/08

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

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB-0236 FD-0355	Benjamin, Brittany F.	Columbus	12/28/07
EMB-0237 FD-0356	Clark, Jamie L.	Delaware	12/28/07
EMB-0238 FD-0357	Clevenger, Julie D.	Elyria	12/28/07
EMB-0239 FD-0358	Fackey, Kimberly K.	Hamilton	12/28/07
EMB-0240 FD-0359	Fellers, Matthew L.	Dayton	12/28/07
EMB-0241 FD-0360	Fletcher, Jason J.	Cincinnati	12/28/07
FD-0361	Gompf, Gregory J.	Mt Gilead	12/28/07
EMB-0242 FD-0362	Groepper, Ryan W.	Cincinnati	12/28/07
EMB-0243 FD-0363	Jami, Sadiqah N.	Cleveland	12/28/07
EMB-0244 FD-0364	Randolph, Michael W.	Wilmington	12/28/07
EMB-0245 FD-0365	Sharp, Daniel E.	Ironton	12/28/07
EMB-0246 FD-0366	Sprankle, Joshua G.	Newark	12/28/07
EMB-0247 FD-0367	Thompson, Tracy L.	New Carlisle	12/28/07
EMB-0248 FD-0368	Tiggs, Quintessa L.	East Cleveland	12/28/07
EMB-0249 FD-0369	Vanca, Amanda M.	Cincinnati	12/28/07
EMB-0250 FD-0370	Vigliotti, John J.	Lowellville	12/28/07
EMB-0251 FD-0371	Webster, Benjamin R.	Fairfield	12/28/07
EMB-0252 FD-0372	Wilson, James J.	Walton Ky	12/28/07



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

<u>Cert No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>Location</u>	<u>date</u>
EMB-023 FD-035	Fackey, Kimberly	Zettler FH	Hamilton	12/30/07
EMB-0241 FD-0360	Fletcher, Jason J.	Elden A. Good FH	Cincinnati	12/28/07
FD-0353	Schottenstein, Rebecca	Epstein Memorial C	Columbus	12/06/07
EMB-0245				

FD-0365	Sharp, Daniel E.	Phillips FH	Ironton	12/28/07
EMB-0246 FD-0366	Sprankle, Joshua G.	Brucker & Kishler	Newark	12/28/07
EMB-0249 FD-0369	Vanca, Amanda M.	Gwen Mooney FH	Cincinnati	12/28/07
EMB-0250 FD-0370	Vigliotti Jr, John J.	Lane FH	Austintown	12/28/07
EMB-0251 FD-0371	Webster, Benjamin	Webster FH	Fairfield	12/28/07

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<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	192	325
Quarterly Master Reports	32	54
Board Interviews	5	8

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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 \$9,221.81 in December, total \$39,193.36 for the Fiscal Year. Also, the Board reviewed the voucher journal with 46 vouchers and encumbrances for December, and the Budget Overview chart of allotments and expenses.

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Inspectors' Reports

Inspector: Savage	Board meeting: January 2007		
Start date: December 9, 2007	End date: January 1, 2007		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	0	0	0
Total facilities as of July 1	46	2	619
New facilities added after July 1	0	0	5
Facilities closed after July 1	0	0	6
Adjusted total	46	2	618
Annual inspections to-date	34	0	275
Remaining to be inspected this FY	12	2	343
Violations this period			0
Apprentices Monitored this period	0		

<u>Mileage</u>			
Mileage this report	200		
Total FY mileage to-date	6,578		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	0		
Bd office-hearing/meetings	12/17-12/18		
Conferences/presentations	0		
Court	0		
Leave	December 2007		
Training	0		



Inspector: Wisby	Board meeting: January 2007		
Start date: December 9, 2007	End date: January 5, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	3	0	44
Total facilities as of July 1	49	2	555
New facilities added after July 1	0	0	5
Facilities closed after July 1	0	0	13
Adjusted total	49	2	547
Annual inspections to-date	22	1	322
Remaining to be inspected this FY	27	1	225
Violations this period	0	1	0
Apprentices Monitored this period			2
<u>Mileage</u>			
Mileage this report	1,781		
Total FY mileage to-date	18,347		
<u>Misc</u>	<u>Dates</u>		
Investigations this period			
Bd office-hearing/meetings	12/12, 12/13, 12/17, 12/18		

Conferences/presentations	0
Court	0
Leave	12/24, 12/31
Training	0



Compliance

The Board received the amendments to change the manager and/or the funeral director actually in charge of and ultimately responsible for the funeral home listed below.

<u>Lic No.</u>	<u>Facility</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002769	Lindsey-Foss-Kocher	Jeffrey Kocker	AIC	Seneca
FH002769	Lindsey-Foss-Kocher	Kevin Mason	MGR	Seneca
FH002265	Russell	Gary Best	MGR	Trumbull



Mrs. Baugess reported that there were 24 pending complaints, and thirty-four charged complaints



Compliance Motion No. 1

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc. E. Myers, on the hearing held July 9, 2007 concerning violation of Section 4717.04(A)(9)(c) of the Revised Code and Administrative Rule 4717-1-25 by the Borkoski Funeral Home for failure to file an annual preneed contract report for the calendar year 2006. There were no objections to the Report and Recommendation submitted by the licensee.

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

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

The Board ordered the suspension of funeral home license no. 002147, held by Borkoski Funeral Home for ten (10) days beginning February 12, 2008.

Compliance Motion No. 3

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc. E. Myers, on the hearing held September 24, 2007 concerning violation of Section 4717.04(A)(9)(c) of the Revised Code, and Administrative Rule 4717-1-25 by the Armstrong-Waite Funeral Home for failure to file an annual preneed

contract report for the calendar year 2006. There were no objections to the Report and Recommendation.

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

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

The Board ordered the suspension of funeral home license no. 002393, held by Armstrong-Waite Funeral Home for twenty-one (21) days beginning February 12, 2008.

Compliance Motion No. 3a

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to remove from the table a motion against the McClave-Chandler-Mills, Inc Funeral Home for failure to file an annual preneed contract report for the calendar year 2006. Roll call vote: Hadley, Aye; Jones, Nay; Primm, Aye; Wasko, Aye.

Compliance Motion No. 3b

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc. E. Myers, on the hearing held July 9, 2007 concerning violation of Section 4717.04(A)(9)(c) of the Revised Code, and Administrative Rule 4717-1-25 by the McClave-Chandler-Mills Inc. Funeral Home for failure to file an annual preneed contract report for the calendar year 2006. There were no objections to the Hearing Officers Report and Recommendation.

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

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

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

The Board ordered the suspension of funeral home license no. 001578, held by McClave-Chandler-Mills Inc. Funeral Home for forty-five (45) days beginning February 12, 2008.

Compliance Motion No. 4

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc. E. Myers, on the hearing held July 9, 2007 concerning violation of Section 4717.04(A)(9)(c) of the Revised Code, and Administrative Rule 4717-1-25 by the McClave-Chandler-Mills Inc. Funeral Home for failure to file an annual preneed contract report for the calendar year 2006. No objections to the Report and Recommendation were received.

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

The Board ordered the suspension of funeral home license no. 000607, held by McClave-Chandler-Mills Inc. Funeral Home for forty-five (45) days beginning February 12, 2008.

Compliance Motion No. 5

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers, on the hearing held September 24, 2007 concerning violations of Sections 4717.14(A)(4) of the Revised Code for unprofessional conduct and Administrative Rule 4717-1-18(G) for failure to comply with the Board's request during an investigation. Specifically, for failure to provide a written response to a subpoena pertaining to complaint no. 0507059. No objections to the Report and Recommendation were submitted for consideration.

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

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

The Board ordered the suspension of funeral home license no. 001578, held by McClave-Chandler-Mills Inc. Funeral Home for nine (9) months beginning February 12, 2008.

Compliance Motion No. 6

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc. E. Myers, on the hearing held September 24, 2007 concerning violation of Section 4717.04(A)(9)(c) of the Revised Code, and Administrative Rule 4717-1-25 by the McClave-Chandler-Mills Inc. Funeral Home for failure to file an annual preneed contract report for the calendar year 2006. No objections to the Report and Recommendation were received.

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

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

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

The Board ordered the suspension of funeral home license no. 001578, held by McClave-Chandler-Mills Inc. Funeral Home for nine (9) months beginning February 12, 2008, and in concurrence with Compliance Motion No. 5.

Compliance Motion No. 7

On a motion by: Mr. Hadley, seconded by: Mr. Wasko, the Board voted to charge the James R. Acree [embalmer license no. 8427 and funeral director license no 8182] 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, for failing to provide a copy of the contract and background information as requested for complaint #0809016. Roll call vote: Hadley, Aye; Jones, Nay; Primm, Aye; Wasko, Aye.

Compliance Motion No. 8

On a motion by: Mr. Hadley, seconded by: Mr. Wasko, the Board voted to rescind for a violation of Section 4717.14 (A)(2) of the Revised Code, for having been convicted of a felony or any crime involving moral turpitude; specifically, for having been convicted for violation of 21 USC 846 and 21 USC 841(a)(1) and (b)(1)(A) for Conspiracy to Possess with the intent to Distribute Cocaine and Heroin. Roll call vote: Hadley, Aye; Jones, Nay; Primm, Aye; Wasko, Aye.

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and Taylor Jones, attorney for Wayne L. Wheat, relative to complaint #9306039. The settlement calls for Mr. Wheat to remit a forfeiture of \$5,000 and his embalmer and funeral director licenses are suspended for six (6) months beginning February 1, 2008. Roll call vote: Hadley, Aye; Jones, Nay; Primm, Aye; Wasko, Aye.

Compliance Motion No. 9

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and Tyrone K. Yates, power of attorney for Clarence E. Bowman, Jr., relative to complaint #0704104, 0704105, 0704121, 0704122. The settlement requires Mr. Bowman to pay a forfeiture of \$15,000.00 and his funeral home license for one location is suspended for sixty (60) days beginning on February 1, 2008. Roll call vote: Hadley, Aye; Jones, Nay; Primm, Aye; Wasko, Aye.

Compliance Issue No. 1

On a motion by Mr. Primm, seconded by Mr. Hadley, the Board voted to ordered the Snyder Funeral Home to cease and desist from using incorrect advertisement for the Snyder Funeral Home in Mansfield, to print a corrected advertisement in the Mansfield newspaper and pay a forfeiture of \$1,000.00. Roll call vote: Hadley, Aye; Jones, Nay; Primm, Aye; Wasko, Aye.

Compliance Mail No. 1

The Board reviewed a letter from Ronald R. Boeckman concerning funeral home title. The Board accepted the change of firm title from “Brockman Funeral Home” to Brockman-Boeckman Funeral Home.” The Secretary will direct Mr. Boeckman that all advertisements and signage must reflect the new firm title.

Compliance Mail No. 2

The Board reviewed a letter from Wilber R. Book concerning the continued operation of the Chas. A. Miller Sons Funeral Home. On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to allow the operation of the funeral home for an additional twelve months until September 15, 2008 provided before the deadline, the name of the funeral director actually in charge of and ultimately responsible for the funeral home is added to the firm title. Ayes: 4. Nays: 0. Motion approved.

Compliance Mail No. 3.

The Board reviewed a letter from Daniel J. Schaffer of Mast Mock Hoffman-Hanenkrath-Clevenger-Schaffer Funeral Home informing the Board of the death of Don E. Clevenger, one of the owners. There was no change in the majority ownership of the funeral home, and therefore, a new funeral home license application is not required.

Compliance Mail No. 4.

The Board reviewed a letter from Raymond W. Orr advising the Board of the closing of the Vensil-Orr & Chute Funeral Home in Adamsville. Secretary to ask for a clearly-enumerated list of preneed accounts, which will be handled by alternative locations.

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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.

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The Board meeting recessed at 4:00 P.M.



Tuesday – January 14, 2008

The Board reconvened at 8:05 A.M. in the Riffe Center in Columbus, Ohio. President Pernel Jones presided. Present were: John J. Hadley, Roger Primm, Robert J. Wasko, Eric E. Anderson, 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 January 2008 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 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 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 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 application for waiver. Ayes: 4. Nays: 0. Motion approved

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	
X		Savage, Francis J	Granted



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

<u>Date received</u>	<u>Licensee</u>	<u>License No.</u>
01-07-08	DiCicco, Anthony, Sr.	DUAL 005972



On a motion by Mr. Wasko, seconded by Mr. Hadley, the Board meeting adjourned at 8:41 A.M. Ayes: 4. Nays: 0. Motion approved.