

Monday – March 17, 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. John J. Hadley, Vice-President, called the meeting to order at 1:00 P.M. Other Board members present were: Ross C. DeJohn, 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. Primm, seconded by Mr. Wasko, the Board approved, as amended, the minutes of the meeting held on January 14-15, 2008. Ayes: 4. Nay: 0. Motion approved.

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Executive Director's Report

Ms. Cunningham announced that Inspector Chuck Wisby resigned effective March 23, 2008. The Board Members expressed their appreciation for Mr. Wisby's service and dedication to the Board and the State of Ohio. Due to the State's hiring freeze, the Board office must submit additional information before posting the position.

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Board Members were reminded that their Financial Disclosure Statement for Calendar Year 2007 is due April 15. The Board remitted the necessary fees, and fines will be levied against the Board if a statement is late.

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Ms. Cunningham reported that Ethics training information is available, and the Board staff and Board Members are due to complete the required hours in Calendar Year 2009.

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Board Members receiving reimbursement for Medicare Part B will be required to re-enroll each year prior to the Board Member's birthday. The Central Service Agency, which handles Human Resources for the Board, coordinates the necessary paperwork.

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Mr. Hadley will represent the Board at the March 18 meeting of the Belmont County Funeral Directors Association. Mr. Hadley will receive per diem and allowable travel reimbursement.

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Mr. Hadley and Mrs. Baugess will represent the Board at the Ohio Funeral Directors Association Apprentice Seminar on March 20. Mr. Hadley will receive per diem and allowable travel reimbursement.

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Board Vice-President Hadley and Secretary/Treasurer Primm attended the 104th Annual Convention of the International Conference of Funeral Service Examining Boards held at the San Antonio Doubletree airport hotel on February 28-29, 2008. In addition to the convention, Ms. Cunningham and Mrs. Baugess attended the annual meeting of the Association of Executives held during the same Convention. Board Members received per diem and allowable travel expenses. The highlights included presentations on Virginia's Sanctioning Reference Point System for evaluating violations and complaints, FTC Funeral Rule violations, Organ and Tissue Procurement Case in New York, and many others. The convention was condensed into one-day which culminated in the

annual banquet where the mortuary science college graduates who achieved the highest scores on the National Board Examination were honored.



Ms. Cunningham reported that Mrs. Baugess and Inspector Anderson are scheduled to attend CLEAR's National Certified Investigator Training in Columbus April 14-15-16, 2008.



Board Members reviewed a plethora of new polices issued by the Office of Budget and Management; new travel expense rules for Collective Bargaining Employees and Exempt Employees, hiring control, equipment purchases, classification designations, time and attendance, Shared Services Initiative for Payable Processing, and Implementing Common Sense Business Regulations.



Licensure

On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board approved the following applications for crematory facility license. Ayes: 4. Nays: 0. Motion approved

Facility	Location	County	Inspection
Licking Co Crem Svc	Heath	Licking	06/21/07
Newcomer Crem	Grove City	Franklin	02/08/08
Riverview Crem	Fremont	Sandusky	07/26/06



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



There were no crematory facility license numbers to ratify after receipt of the occupancy permit and the final inspection by the Board.



There were no applications for embalming facility license.



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



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

License no.	Facility	Location	Final Inspection
EFAC 00 0005	H. T. Walker	Cincinnati	01/17/8



On a motion by Mr. DeJohn, 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>
Anderson-McDaniel FH	Pomeroy	Meigs	12/03/07
Crobaugh-Danaher FH	Cleveland	Cuyahoga	07/03/07
Dilley-Lasater FH	Bladensburg	Knox	02/05/08
Dilley-Lasater FH	Mt. Vernon	Knox	02/05/08
Fisher-Anderson-McDaniel FH	Middleport	Meigs	12/03/07

Foos-Klein FH	Clyde	Sandusky	01/30/07
Gaines FH	Cleveland	Cuyahoga	08/13/07
Henderson-VanAtta FH	Heath	Licking	06/21/07
Henderson-VanAtta FH	Newark	Licking	06/21/07
Jennings FH	Tipp City	Montgomery	12/20/07
Morgan FH	Breman	Fairfield	11/15/07
Porter-Tidd FH	Mt. Sterling	Madison	09/18/07
Tredway Pollitt FH	Norwood	Hamilton	11/01/07

On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board voted to table 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>
Mallory-Smith FH	Columbus	Franklin	
Walker FH	Cincinnati	Hamilton	

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On a motion by Mr. Primm, 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. Ayes: 4. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Groff FH	Huron	Erie
Smith Mort	Columbus	Franklin
Sommerville FS	Canton	Stark

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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 number was issued March 17, 2008.

<u>License No.</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Issue Date</u>
FH 003007	Groff FH	Huron	03/17/08
FH 003008	Smith Mort LLC	Franklin	03/17/08

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

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The Board reviewed the results of the Ohio laws examinations that were written January 30, 2008. On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board approved applicants with a score of 75% or higher on the examinations to be issued an embalmer and/or funeral director license number, pending receipt of a properly completed application with the initial license fee. Embalmer applicants must provide National Board Certification, and the two-year funeral director applicants will also need proof of successfully passing the Funeral Service Arts Examination. Motion approved. A list of applicants, their scores, and license numbers will be entered into the journal. Roll call vote: DeJohn, Aye; Hadley, Aye, Primm, Aye, Wasko, Aye.

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License issue no. 1

The Board reviewed a letter from John Ryan concerning the educational requirement to register as an embalmer and a funeral director. Mr. Ryan was scheduled to appear before the Board to present his request to waive the bachelor's degree as a condition for

registration, but Mr. Ryan did not appear and the Board considered his written documents. Secretary instructed to inform Mr. Ryan that Section 4717.05 of the Revised Code mandates that the applicant hold at least a bachelor’s degree. On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board denied Mr. Ryan’s request. Ayes: 4. Nays: 0. Motion approved.



License issue no. 2

Joe Jager appeared by the Board to request reinstatement of his embalmer and his funeral director licenses. On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board approved Mr. Jager’s request for reinstatement provided Mr. Jager passes the Ohio Laws Examination and remits the required renewal and late penalty fees. Ayes: 4. Nays: 0. Motion approved.



License issue no. 3

The Board reviewed a letter from Steven J. Foltz concerning reinstatement of his funeral director license. On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board approved Mr. Foltz’s request for reinstatement provided Mr. Foltz passes the Ohio Laws Examination and remits the required renewal and late penalty fees. Ayes: 4. Nays: 0. Motion approved.



License issue no. 4

The Board reviewed a letter from Mary D. Davis concerning her embalmer’s apprenticeship. Ms. Davis proposed to serve her embalmer’s apprenticeship under a trade embalmer who handles embalming for two funeral homes. Ms. Davis would begin her funeral director apprenticeship at a later time. On a motion by Mr. Wasko, seconded by Mr. DeJohn, the Board approved Ms. Davis’ request provided she has completed the necessary requirements and documents. Ayes: 4. Nays: 0. Motion approved.



License issue no. 5

The Board reviewed a letter from Matthew Taylor, recently licensed as an embalmer through reciprocity. On a motion by Mr. Wasko, seconded by Mr. Primm, the Board approved Mr. Taylor’s request to be considered for a funeral director license, contingent on fulfilling on requirements for registration and apprenticeship. Ayes: 4. Nays: 0. Motion approved.



On a motion by Mr. DeJohn 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 9283	Kevin M. Coyne	Wickliffe	03/17/08
EMB 9294	Senta L. Folds	Clinton, MD	03/17/08
FD 9284	Joshua H. Tidd	Hilliard	03/17/08



The following individual were issued embalmer and/or funeral director registration numbers during the months of January and February 2008.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB 0253			

FD 0373	Giles, Matthew C.	Warren	01/02/08
EMB 0254 FD 0374	Asbrock, Marla M.	Loveland	01/07/08
EMB 0255 FD 0375	Johnson, Pamela L.	Fairfield	01/23/08
FD 0376	Miller, Brandi M.	Brookville	01/23/08
EMB 0256 FD 0377	Murphy, Brandon M	Tiffin	01/23/08
FD 0378	Forward, Bradley T.	Shaker Heights	03/07/08
FD 0379	Reis, Darinda J.	Dayton	02/07/08
EMB 0257 FD 0377	Fries, Benjamin H.	Willard	02/11/08



The following individuals certified an apprenticeship during the months of January and February 2008.

<u>Cert No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>Location</u>	<u>date</u>
EMB 0240 FD 0359	Fellers, Matthew L.	Tobias FH	Dayton	12/30/07
EMB 0242 FD 0362	Groepper, Ryan W.	Shorten & Ryan FH	Mason	12/28/07
EMB -235 FD 0350	Mahall, Rebecca V	Ducro FS	Ashtabula	12/10/07
ENB 0244 FD 0364	Randolph, Michael	Tobias FH	Beavercreek	12/28/07
EMB 0114 FD 0170	Rainey, Sharon A.	Walker FH	Cincinnati	01/21/08
EMB 0252 FD 0372	Wilson, James J.	Riddle FH	Vermilion	01/14/08
EMB 0236 FD 0355	Brittany, Benjamin	Schoedinger State St	Columbus	02/01/08
EMB 0237 FD 0356	Clark, Jamie	Hoeing FH	Fostoria	02/01/08
FD 0378	Forward, Bradley	Brown-Forward FH	Shaker Hts	02/07/08
EMB 0257 FD 0380	Fries, Benjamin	Secor FH	Willard	02/01/08
FD 0376	Miller, Brandi	Jennings FH	Tipp City	02/01/08
EMB 0206 FD 0303	Mlac, Kathrine	Monreal FH	Eastlake	02/10/08
EMB 0256 FD 0377	Murphy, Brandon	Engle-Shook FH	Tiffin	02/01/08
FD 0379	Reis, Darinda	Meyer-Boehmer & Reis	Dayton	02/07/08



January

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	55	111
Quarterly Master Reports	9	18
Board Interviews	13	17



February

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	13	102
Quarterly Master Reports	2	17
Board Interviews	4	9



Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal indicating that the Board collected \$5,464.00 in January and \$7,738.80 in February for a total of \$52,396.16 for the Fiscal Year. Also, the Board reviewed the voucher journal with 37 vouchers and encumbrances for January, 45 vouchers and encumbrances for February, and the Budget Overview chart of allotments and expenses. The Board reviewed the cost estimates for the Conference Convention in San Antonio, which was adjusted to reflect the lower reimbursements and restrictions.



Committee Report

The Continuing Education Committee met before lunch to review the applications for continuing education activity, and will make recommendations when the Board considers the applications.

After the January Board meeting, the Preeed Committee met with Senator Schaffer to discuss SB 196, in particular that “seller” should be defined as funeral director/funeral home. However, later, the Committee met with the officers of the Ohio Funeral Directors Association who stated that “seller,” as used in SB 196 means a funeral director/funeral home, and casket sellers who are not licensed funeral directors, and sellers of cemetery goods who are not licensed funeral directors. In addition, Board Members received a copy of a response to SB 196 from the Ohio Funeral Consumer4s Alliance. The Executive Director along with the Assistant Attorney General are to draft a letter to Senator Schaffer, clearly outlining the Board’s concerns and need for the proper tools to enforce the proposed legislation.



Compliance

The Board received the following forfeitures: \$500 from Walter Frey Funeral Home, complaint no. 0704120, \$750 from Matthew Schwab, \$500 from Secor Funeral Home, complaint no. 0606149, and \$5,000 from Wayne L. Wheat, complaint no. 9306039



Mrs. Baugess reported that three (3) hearings were scheduled for February 14, 2008.



The Ohio Geographic Information Systems (GIS) and Ohio Geographically Referenced Information Program (OGRIP) request data on the location of crematory and embalming facilities and funeral homes in support of the Emergency Management Agency (EMA) and Department of Administrative Services (DAS) for possible use during times of disaster.

The updated information will be sent to GIS every quarter so emergency planners/responders have up-to-date information to base their action plans.



Mark Kassouf, Assistant State Registrar, will be informed of all license suspensions, and in turn, Mr. Kassouf will notify local registrars, therefore all suspended licenses will be flagged in the EDRS system so that no death certificates are filed during the suspension. Mrs. Baugess is aware of one instance where the Bureau of Vital Statistics informed a consumer of a license suspension when the consumer inquired about a death certificate.



An article appeared in the January 2008 edition of the ICCFA Magazine relating that there are fewer complaints being filed with the Federal Trade Commission. The list did not include names of funeral homes. Board Members received a list of the complaints relating to Ohio, which were filed during the two-year period referenced in the article.



House Bill 104, regarding fingerprinting of initial applicants, passed, and is effective March 24, 2008. The Board needs to develop the internal process, and determine at which point the applicant must obtain a criminal background check. Should it be at registration, apprenticeship, initial licensing, as the checks are only valid for twelve months? All reports will be sent directly to our office from BCI, not from the applicants. The Board staff will not be responsible for tracking the criminal background checks, but OHeLic checklists and actual forms will be adjusted to reflect the new requirement. The Board will direct Ohio applicants to a list of the locations that electronically-produce the applicant's fingerprints. Out of state applicants will need to be sent an actual fingerprint card from our office. The Board Staff is drafting amendments for existing rules.



As a result of the conversation at January's Board meeting, Mrs. Baugess researched how and when disciplinary actions are posted for other regulatory boards. Board Members received samples.



The Board received the following forfeitures: \$1000 from Avance Funeral Home, complaint no. 0808009 and \$15,000 from Bowman Funeral Chapel complaint no. 0704122, complaint no. 0704121 and complaint no. 0704105.



Mrs. Baugess reported that as of the meeting, 586 of 1180 funeral homes submitted the Annual Preneed Report for Calendar Year 2007. On March 13, 2008, the Board Staff posted a reminder notice on the Board's website. Sunday March 30 is the deadline, but reports will be accepted on Monday, March 31. On Friday, April 4, a second notice, sent by certified mail with return receipt, will be sent to funeral homes that have not submitted the report. Any funeral home that fails to submit the Annual Preneed Report for Calendar Year 2007 will be presented to Board on April 21 for violation.



Relative to House Bill 104, fingerprint requirements, Assistant Attorney General McNamara is working with other Assistant Attorney Generals to formulate consistent language among the licensing Boards. Once drafted, the Board will fine-tune the language to fit the Board licensing law.



The Board reviewed a list of twenty-four (24) pending complaints and a list of twenty-seven(27) charged cases awaiting hearing or settlement.



Inspectors' Reports

Inspector: Wisby	Board meeting: March 2007		
Start date: February 3, 2008	End date: March 15, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	3	0	52
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	34	1	429
Remaining to be inspected this FY	15	1	118
Violations this period	0	1	0
Apprentices Monitored this period			8
<u>Mileage</u>			
Mileage this report	2,161		
Total FY mileage to-date	22,854		
<u>Misc</u>	<u>Dates</u>		
Investigations this period			
Bd office-hearing/meetings	February 4, 11, 19; March 11, 12		
Conferences/presentations	0		
Court			
Travel with Inspector Eric Anderson	February 4-5		
Leave	February 8, 21; March 7		
Training	0		



Inspector: Anderson	Board meeting: March 2007		
Start date: February 3, 2008	End date: March 15, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	8	0	129
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	42	0	420
Remaining to be inspected this FY	4	2	198
Violations this period			6
Apprentices Monitored this period	0		
<u>Mileage</u>			
Mileage this report	4,687		
Total FY mileage to-date	6,224		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	1		
Bd office-hearing/meetings	February 11, 12; March 3, 4		
Conferences/presentations	0		
Court	0		
Leave	March 7		
Training	0		



On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board went into executive session pursuant to section 121.22(G)(1) 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; Primm, Aye; Wasko, Aye.

The President declared the Board out of executive session. There was no action to report.



Compliance

In February 2008, 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>License No</u>	<u>Facility</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002939	Ingling Williams FH	Bennett Frankie	MGR	Clark
FH000931	Snyder FH Inc	Snyder John	MGR	Richland
FH000932	Snyder FH Inc	Snyder Sean	MGR	Richland
FH001927	Zak-Monbarren FH	Thacker Donald	MGR	Wayne

In March 2008, 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>License No</u>	<u>Facility</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002960	Sheridan FC	Osborn Cynthia	AIC	Fairfield
FH000492	John Hodapp Sons Inc	Hodapp David	AIC	Hamilton
FH000492	John Hodapp Sons Inc	Hodapp David	MGR	Hamilton
FH000494	The Imwalle Memorial	Naegele Bernard	AIC	Hamilton
FH000864	Hillis & Hardwick FH Inc	Hillis David	AIC	Muskingum
FH000864	Hillis & Hardwick FH Inc	Hillis David	MGR	Muskingum
FH002898	Heitmeyer FH	Fry Brett	MGR	Putnam



Compliance Motion No. 1

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

<u>Complaint No.</u>	<u>Date Recd</u>	<u>Issue</u>
0811036	11/30/07	unprofessional
0810027	10/22/07	advertising
0811030	12/3/07	preneed transfer
0807002	7/5/07	unprofessional - cremation
0812039	12/31/07	unprofessional
0812038	12/7/07	unprofessional
0704116	4/18/07	preneed funds location

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

<u>Complaint No.</u>	<u>Date Recd</u>	<u>Issue</u>
0706136	6/11/07	Unprofessional
0808006	8/13/07	Cremains disposition
0810028	10/22/07	Preneed
0802049	1/28/08	Death certificate filing
0801041	2/12/08	Unlicensed selling
0809019	9/5/07	Cremains disposition



Compliance Motion No. 2

Ms. Baugess presented the following facts to the Board for its consideration. The Board office received an application for funeral home license for Smith Mortuary, LLC., and the owner is listed as Smith Mortuary, LLC.. Included with the application was proposed signage that would state: owned and operated by J. Martin Smith, and use a logo for J. Martin Smith. The Board denied the proposed signage because funeral director J. Martin Smith is deceased.



Compliance Motion No. 3

Motion by: Mr. DeJohn, seconded by: Mr. Primm, the Board voted to charge Marlin Gary, embalmer license no. 008371 and funeral director license no. 008027 with a violation of Section 4717.14 (A)(3) of the Revised Code, which reads: the applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee, and for a violation of Section 4717.14 (A)(4) of the Revised Code, which reads: the applicant or licensee has committed immoral or unprofessional conduct. Specifically for violating Section 3705.17 of the Revised Code (Department of Health), which reads in part: when the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. the Mr. Gary did not file a completed death certificate until approximately 10 months after the death. Roll call vote: DeJohn, Aye; Hadley, Aye; Primm, Aye; Wasko, Aye.



Compliance Motion No. 4

On a motion by Mr. Wasko, seconded by Mr. Primm, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and Scott Gillian, attorney for Zettler Funeral Home and James R. Zettler. Roll call vote: DeJohn, Aye; Hadley, Aye; Primm, Aye; Wasko, Aye.



Compliance Motion No. 5

On January 14, 2008, 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.

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.

On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board voted to rescind the Board Order of January 14, 2008 for necessary date modification. Roll call vote: DeJohn, Aye, Hadley, Aye; Primm, Aye; Wasko, Aye.

On a motion by Mr. Wasko, seconded by Mr. DeJohn, the Board voted to issue the following Board Order. Roll call vote: DeJohn, Aye, Hadley, Aye; Primm, Aye; Wasko, Aye.

Order of the Board

Embalmer license number 007114 and funeral director license number 006359 held by Willard R. Mills, Jr. is suspended for a period of nine (9) months beginning between April 15 and May 15, 2008 dependent on newspaper publication schedules and ending accordingly. Funeral Home license number 001578 is suspended for a period of nine (9) months beginning between April 15, and May 15, 2008 dependent on newspaper publication schedules and ending accordingly.



Compliance Motion No. 6

On January 14, 2008, 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.

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.

On a motion by Mr. Wasko, seconded by Mr. DeJohn, the Board voted to rescind the Board Order of January 14, 2008 for necessary date modification. Roll call vote: DeJohn, Aye, Hadley, Aye; Primm, Aye; Wasko, Aye.

On a motion by Mr. Wasko, seconded by Mr. Primm, the Board voted to issue the following Board Order. Roll call vote: DeJohn, Aye, Hadley, Aye; Primm, Aye; Wasko, Aye.

Order of the Board

Embalmer license number 007114 and funeral director license number 006359 held by Willard R. Mills, Jr. is suspended for a period of forty-five (45) days beginning between April 15 and May 15, 2008 dependent on newspaper publication schedules and ending accordingly. Funeral Home license number 001578 is suspended for a period of forty-five (45) days beginning between April 15, and May 15, 2008 dependent on newspaper publication schedules and ending accordingly.



Compliance Motion No. 7

On January 14, 2008, 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.

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.

On a motion by Mr. Wasco, seconded by Mr. Primm, the Board voted to rescind the Board Order of January 14, 2008 for necessary date modification. Roll call vote: DeJohn, Aye, Hadley, Aye; Primm, Aye; Wasco, Aye.

On a motion by Mr. Wasco, seconded by Mr. Primm, the Board voted to issue the following Board Order. Roll call vote: DeJohn, Aye, Hadley, Aye; Primm, Aye; Wasco, Aye.

Order of the Board

Embalmer license number 007114 and funeral director license number 006359 held by Willard R. Mills, Jr. is suspended for a period of nine (9) months beginning between April 15 and May 15, 2008 dependent on newspaper publication schedules and ending accordingly. Funeral Home license number 001578 is suspended for a period of nine (9) months beginning between April 15, and May 15, 2008 dependent on newspaper publication schedules and ending accordingly.



Compliance Motion No. 8

On a motion by Mr. DeJohn, seconded by Mr. Wasco, the Board voted to rescind the October 15, 2007 motion charging Ronald B. McNabb and the McNabb Funeral Home with violation of Section 4717.14(A)(5) of the Revised Code, for knowingly permitting an unlicensed person, other than a person servicing an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision. Roll call vote: DeJohn, Aye, Hadley, Aye; Primm, Aye; Wasco, Aye.



Compliance Mail No. 1

The Board reviewed a proposed sign for the Gwen Mooney Funeral Home at Spring Grove Cemetery and Arboretum. The Board denied the use of "Family" in the advertisements. Secretary will direct Ms. Mooney that all advertisements and signage must reflect the firm title, and the actual owner and location of "Spring Grove Cemetery and Arboretum."

Compliance Mail No. 2

The Board reviewed a proposed sign for the Smith Mortuary in Columbus. The Board denied the use of "owned and operated by J. Martin Smith" because Ms. Smith is deceased, and the owner is listed as Smith Mortuary, LLC on the application.



Compliance Mail No. 3.

The Board reviewed a letter from Cynthia Osborn concerning firm title. The Board accepted the change of firm title from "Sheridan Funeral Chapel" to "Osborn Funeral Chapel." Secretary to inform Ms. Osborn that all signage and advertisements reflect the new firm title.



Compliance Mail No. 4.

The Board reviewed a letter from Frank J. Lellio, Jr. concerning firm title. The Board accepted the change of firm title from "Rossi Bros. Funeral Home" to Rossi Brothers and

Lellio Funeral Home.” Secretary to inform Mr. Lellio that all signage and advertisements reflect the new firm title. In addition, the Board office is to investigate the possibility that Mr. Lellio requires a new application for funeral home license.



Compliance Mail No. 5

The Board reviewed a letter from John R. Moses concerning firm title. The Board accepted the change of firm title from “Selby-Cole-Simpson Funeral Home” to Selby-Simpson Funeral Home.” Secretary to inform Mr. Moses that all signage and advertisements reflect the new firm title.



Compliance Mail No. 6

The Board reviewed a letter from Mary S. Imwalle-Nauer requesting permission to operate the Imwalle Memorial Funeral Home after the death of her father, Paul R. Imwalle. On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board approved Ms. Imwalle-Nauer’s request to operate until June 25, 2008. At the time, Ms. Imwalle-Nauer may request an additional twelve months in which to operate. However, before June 25, 2009, she must file a new application for funeral home license. Ayes: 4. Nays: 0. Motion approved.



Compliance Mail No. 7

The Board reviewed a letter from Patricia C. Vales Kleve announcing the closure of the Vales-Kleve Funeral Home, Inc. on December 31, 2007. Ms. Vales-Kleve submitted the display license and a clearly enumerated list of preneed funeral contracts. The Board accepted the closure and list.



The Board reviewed a letter from Raymond L. Beebe, the attorney overseeing the Robert O. Tate, Jr. Preneed Account, required by a settlement agreement between Mr. Tate and the Board, signed November 18, 2003. Initial Mr. Tate requested release of the account, but paragraph 11 of the settlement agree states in part “Respondent shall advise the Board, in writing, upon the completion of all unfunded preneed service...” Mr. Tate has yet to complete all unfunded preneed funerals.



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



Tuesday – March 18, 2008

The Board reconvened at 8:06 A.M. in the Riffe Center in Columbus, Ohio. Vice-President John Hadley presided. Present were: Ross C. DeJohn, Roger Primm, Robert J. Wasko, Eric E. Anderson, Charles H. Wisby, Jennifer Baugess, and Ann Cunningham. Barbara Hadley observed the Board meeting.



On a motion by Mr. Primm, seconded by Mr. Wasko, the Board approved the following application for crematory license 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>
Forest City Cr	Willoughby Hills	Lake

Continuing education

There were two sets of continuing education programs considered by the Board during the March 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.

February group

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

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

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

On a motion by Mr. Wasko, seconded by Mr. DeJohn, the Board approved the following application for waiver. Ayes: 4. Nays: 0. Motion approved

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	
X		Madden, Daniel P	Granted



March Group

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

On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board approved, and where indicated denied, individual continuing education programs. Ayes: 4. Nays: 0. Motion approved.



On a motion by Mr. Primm, seconded by Mr. Wasko, the Board approved the following application for crematory license pending receipt of the occupancy permit and the final inspection by the Board's inspector. Ayes: 4. Nays: 0. Motion approved.

<u>Firm title</u>	<u>Location</u>	<u>County</u>
Forest City Cr	Willoughby Hills	Lake

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On a motion by Mr. Primm, seconded by Mr. DeJohn, the Board went into executive session pursuant to section 121.22(G)(1) 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; Primm, Aye; Wasko, Aye.

The president declared the Board out of executive session.

Based on subsequent communication, the Board revisited complaints #0711034, 0711035, 0711036, and 0711054, and determined that the original funeral home will honor the original contracts and there is no violation. On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board voted to close four complaints. Roll call vote: DeJohn, Aye; Hadley, Aye; Primm, Aye; Wasko, Aye.

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On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board meeting adjourned at 8:55 A.M. Ayes: 4. Nays: 0. Motion approved.