

Monday – April 21, 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, Sr., President, called the meeting to order at 1:00 P.M. Other Board members present were: Ross C. DeJohn, John J. Hadley, Ty D. Marsh, Roger Primm, and Robert J. Wasko. Also, present were: John Williams, Assistant Attorney General; Eric E. Anderson, 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. DeJohn, seconded by Mr. Hadley, the Board approved, as amended, the minutes of the meeting held on March 19-20, 2008. Ayes: 5. Nay: 0. Motion approved.

On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board deviated from the agenda and 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; Jones, Aye; Primm, Aye; Wasko, Aye.

The president declared the Board out of executive session, and reported that there was no action to report.

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Executive Director's Report

Ms. Cunningham announced the Governor's appointment of Ty D. Marsh, as the public member to complete Mr. Tunnell's term.

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The Board officers will make a decision concerning the inspector's position vacated by Mr. Wisby.

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Ms. Cunningham queried the Board and determined the all Board Members submitted their individual Financial Disclosure Statement for calendar year 2007 to the Ohio Ethics Commission.

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Board Members receiving reimbursement for Medicare Part B were reimbursed for missed payments.

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Mr. Hadley represented the Board at the March 18 meeting of the Belmont County Funeral Directors Association. Mr. Hadley and Congressman Charlie Wilson spoke to the licensees present. Mr. Hadley received per diem and allowable travel reimbursement.

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

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Board Members received the schedule for the Board's booth at the Ohio Funeral Directors Association annual convention, April 30 through May 2. The Board staff will rotate over the three-day convention. Board Members will receive per diem and allowable travel expenses



Mrs. Baugess and Inspector Anderson attended CLEAR’s National Certified Investigator Training in Columbus April 14-15-16, 2008.



Ms. Cunningham suggested that the Board send both inspectors to the Crematory Operator Certification Program in Chicago on September 26, 2008, provided the state’s travel policy allows the trip and funds are available. The Program is presented by the Cremation Association of North America [CANA]



Members were advised that the Board’s budget request is due September 15, 2008 along with all state agencies.



Ms. Cunningham announced that the Board staff would be trained to use OAKS epay self-service during May before the start date of May 18.

Board Members were informed of the Wall Street Journal article titled “Violence Roils Black Funeral Parlors” which cited three Ohio funeral directors. In addition, Ms. Cunningham shared two smaller news articles; a Bath England crematory announced stockpiling deceased until crematory burners could be filled enough to justify operation. and an allegation by the Green Burial Council that there is more steel in casket that used to build the Golden Gate Bridge



Person Before the Board

Daniel W. McCauley asked to appear before the Board concerning his request for reinstatement of lapsed licenses, but instead, submitted written documentation. Secretary to inform Mr. McCauley that the law requires the payment of lapsed renewal fees and penalty fees after successfully passing the Ohio laws examination.

On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to relegate the task of responding to applicants for reinstatement of lapsed licensed to the Board office. Unusual situations will be presented to the Board during monthly meeting. Ayes: 6. Nays: 0. Motion approved.



Licensure

There were no applications for crematory facility license for consideration by the Board.



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



Previously, the Board approved the issuance of a crematory facility license 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 0124	Forest City Cr	Willoughby Hills	04/10/08



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.



There were no previously approved applications for the issuance of an embalming facility license to the following after approval of the application, receipt of the occupancy permit, and the final inspection.



On a motion by Mr. Hadley, seconded by Mr. Wasko, 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>
Anderson-McDaniel FH	Pomeroy	Meigs	12/03/07
Donald & Stewart Inc.	Cincinnati	Hamilton	01/07/07

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to remove from the table 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>
Walker FH	Cincinnati	Hamilton	



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: 6. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Walker FH	Cincinnati	Hamilton



There were no previously approved applications for the issuance of a funeral home license to the following after approval of the application, receipt of the occupancy permit, and the final inspection.



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



License issue no. 1

The Board reviewed a letter from Harriett O. Smith-Young concerning reinstatement of her funeral director license. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to approve Ms. Smith-Young's request for reinstatement provided she successfully passes the Ohio laws examination, and remits the required renewal and penalty fees. Ayes: 6. Nays: 0. Motion approved.



License issue no. 2

The Board reviewed a letter from Rosetta Brown concerning part-time education during her apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to approve Ms. Brown's request to participate in on-line college course for no more than twenty (20) hours per week during her apprenticeship. Aye: 6. Nays: 0. Motion approved.



License issue no. 3

The Board reviewed a letter from Tracy V. Boorum concerning her service in the United State Air Force Reserves during her apprenticeship. On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved Ms. Boorum's request to perform one weekend a month and two weeks in the summer during her apprenticeship. Ayes: 6. Nays: 0. Motion approved.



On a motion by Mr. DeJohn seconded by Mr. Primm, 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>	<u>Date</u>
EMB 9295 FD 9285	Brian A. Bellus	Warren	04/21/08
FD 9286	Cameron R. Casper	Mt. Vernon	04/21/08
FD 9287	Thomas V. Conway	Strongsville	04/21/08
EMB 9296 FD 9288	Megan J. Jacob	Kettering	04/21/08
EMB 9297 FD 9289	Kent R. Keesee	Galion	04/21/08
EMB 9298 FD 9280	Kelly L. Lanckiewicz	Maple Hts.	04/21/08
EMB 9299 FD 9291	Julie A. Maag	Loveland	04/21/08
EMB 9300 FD 9292	Amanda E. Robarge	Fremont	04/21/08
EMB 9301 FD 9293	Reilly Joe Short	Archbold	04/21/08
EMB 9302 FD 9294	Jessica A. Thompson	Dayton	04/21/08



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

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB 0258	Michele E. Bennett	Parma	03/03/08
FD 0386	O. Bryan Bookatz	Cleveland Hts.	03/12/08
FD 0381	Franklin D. Gray	Ravenna	04/03/08
EMB 0260 FD 0387	Danielle K. Holt	Cincinnati	03/24/08
EMB 0259 FD 0382	Cassie L. Hurt	Delaware	03/03/08

FD 0385	Gary E. Moore	Dayton	03/05/08
FD 0383	Stacey L. Stauffer	Lisbon	03/03/08
EMB 0261 FD0388	Samantha L. Waltermyer	Cincinnati	03/24/08
FD 0384	Marlon A. Wills	Cleveland	03/03/08
EMB 0262 FD 0389	Matthew P. Yockey	Willard	03/24/08



The following individuals certified an apprenticeship during the months of March 2008.

<u>Cert No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>Location</u>	<u>date</u>
EMB 0258 FD 0164	Michele E. Bennett	Busch FH	Parma	03/12/08
FD 0386	O. Bryon Bookatz	Berkowitz-Kumin-Bookatz	Cleveland Hts	03/13/08
EMB 0238 FD 0357	Julie D. Clevenger	Busch FH	Elyria	03/12/08
FD 0381	Franklin D. Gray	Wood-Kortright-Borkoski	Ravenna	03/10/08
EMB 0260 FD 0387	Danielle K. Holt	Frederick FH	Cincinnati	03/26/08
EMB 0259 FD 0382	Cassie L. Hurt	Rodman-Neeper FH	Delaware	03/03/08
FD 0385	Gary E. Moore	Schlientz & Moore	Dayton	03/05/08
FD 0383	Stacey L. Stauffer	Eells-Leggett-Stauffer	Lisbon	03/10/08
FD 0384	Marlon A. Wills	J W Wills/Hse of Wills	Cleveland	03/10/08



March

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	187	299
Quarterly Master Reports	31	49
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 \$19,606.35 in March for a total of \$72,002.51 for the Fiscal Year. Also, the Board reviewed the voucher journal 41 vouchers and encumbrances for March, and the Budget Overview chart of allotments and expenses.



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.



Compliance

Inspectors' Reports

Inspector: Wisby	Board meeting: April 21-22 2007		
Start date: March 17, 2008	End date: March 21, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	0	0	12
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	2	441
Remaining to be inspected this FY	15	0	106
Violations this period	0	1	0
Apprentices Monitored this period			8
<u>Mileage</u>			
Mileage this report	541		
Total FY mileage to-date	23,395		
<u>Misc</u>	<u>Dates</u>		
Investigations this period			
Bd office-hearing/meetings	March 17-18		
Conferences/presentations	0		
Court			
Leave			
Training	0		



Inspector: Anderson	Board meeting: April 21-22 2007
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Start date: March 16, 2008	End date: April 12, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	1	0	83
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	43	0	503
Remaining to be inspected this FY	3	2	115
Violations this period			7
Apprentices Monitored this period	1		
<u>Mileage</u>			
Mileage this report	2,559		
Total FY mileage to-date	8,783		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	0		
Bd office-hearing/meetings	3/17, 3/18,3/31, 4/1		
Conferences/presentations	0		
Court	0		
Leave			
Training	0		



Compliance

Mrs. Baugess reported that there are thirteen (13) pending complaints, twenty-three (23) charged complaints pending hearing, settlements or Board Order Compliance.



The Board received the following forfeiture: \$1,000 from Zettler Funeral Home, complaint #0705126.



Mrs. Baugess reported one (1) hearing was conducted, three (3) are scheduled for April 29, and one (1) is waiting to be scheduled. In addition, the Board office received one Report and Recommendation and has one still outstanding.



The Board mailed the original annual preneed report forms on February 11, 2008, posted a reminder on the Board's website on March 13, 2008, returned twenty(20) reports for

corrections, and sent one hundred (100) second notices by certified, return receipt mail on April 4, 2008.



House Bill 104, regarding fingerprinting of initial applicants, passed, and is effective March 24, 2008. The Attorney General’s office is working on a draft.



Mrs. Baugess reported that she and Inspector Anderson attended CLEAR Training April 14-15-16, 2008.



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>
FH002183	Hopkins Lawver FH	Sarah Dishong	MGR	Stark
FH002184	Hopkins Lawver FH	Coral Bowers	MGR	Summit
FH001086	Sinchak & Sons FH	Raymond Sinchak	AIC	Trumbull
FH001126	Cawley & Peoples FH	Brian Scharff	MGR	Washington
FH001132	Cawley & Peoples FH	Patricia Peoples	MGR	Washington
FH002778	Witzler-Shank FH	Michelle Larue-Williamson	MGR	Wood



Compliance Motion No. 1

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to close nine (9) investigatory files. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

<u>Complaint No.</u>	<u>Date Recd</u>	<u>Issue</u>
0802047	02/12/08	Unprofessional
0810026	10/22/07	Funeral bill dispute
0803057	03/21/08	Funeral bill dispute
0811035	12/03/07	Funeral bill dispute
0803053	03/10/08	Advertising
0811/037	12/03/07	Advertising
0802050	02/22/08	Funeral bill dispute
0803055	03/06/08	Unprofessional
0803056	03/21/08	Preneed burial vault dispute



Compliance Motion No. 2

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to charge Warren Newcomer, Newcomer Funeral Home in Beavercreek, and Teresa A. Hailey with violation of Section 4717.04(A)(9)(c) of the Revised Code, unprofessional conduct, specifically for actions taken during the preparation of the deceased for viewing. Pursuant Section 4717.15 of the Revised Code, and Administrative Rule 4717-1-30, the Board recommended forfeitures of five hundred (\$500) dollars for each licensee and funeral home. In addition, the Board required a class in sensitivity training for the staff

that has contact with consumers. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

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Compliance Motion No. 3

On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board voted to charge the Porter-Qualls Funeral Home in Springfield with violation of Section 4717.04(A)(9)(c) of the Revised Code, unprofessional conduct, specifically for the delay of nearly one month in the cremation of a deceased. Pursuant Section 4717.15 of the Revised Code, and Administrative Rule 4717-1-30, the Board recommended a forfeiture of one thousand (\$1,000) dollars for the funeral home. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

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Compliance Motion No. 4

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to charge the Frank R. Smith and the Frank E. Funeral Home with violation of Section 4717.04(A)(9)(c) of the Revised Code, unprofessional conduct, specifically for failure to provide services as arranged. Pursuant Section 4717.15 of the Revised Code, and Administrative Rule 4717-1-30, the Board recommended a forfeiture of five hundred (\$500) dollars for the licensee and the funeral home. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

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Compliance Motion No. 5

On a motion by Mr. Primm, seconded by Mr. Hadley, the Board voted to charge the Deborah J. Weaver and the Walker Funeral Home in Cincinnati with violation of Section 4717.04(A)(9)(c) of the Revised Code, unprofessional conduct, specifically for errors made during the funeral services for Mr. Willie Jewel Bailey. Pursuant Section 4717.15 of the Revised Code, and Administrative Rule 4717-1-30, the Board recommended a forfeiture of one thousand (\$1,000) dollars for the licensee and the funeral home. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

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Compliance Motion No. 6

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to table consideration of compliance motion #6. Ayes: 6. Nays: 0. Motion approved.

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Compliance Motion No. 7

Motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers, on the hearing held December 10, 2007, concerning violations of Sections 4717.08(A) of the Revised Code and Administrative Rule 4717-1-16(A)(1), against Eugene Brown and the Brown Funeral Chapel, specifically, for failure to renew his embalmer, funeral director and funeral home licenses. 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 Facts. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, 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: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, 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: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

The Board ordered the a forfeiture of seven hundred fifty dollars for embalmer license no. 9122, funeral director license no. 9082 and funeral home license no. 002802 held by Eugene Brown, that is due thirty days after the date of the Board's letter.

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Compliance Motion No. 8

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to rescind previous charges against Louis Ripepi and the Ripepi Funeral Home for violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional conduct. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

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Compliance Motion No. 9

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to charge Willard R. Mills, Jr. and both McClave-Chandler-Mills Funeral Homes for violation of Section 4717.04(A)(9)(c) of the Revised Code and Administrative Rule 4717-1-25, as the section and rule incorporate Section 1111.19 of the Revised Code, for unprofessional conduct, specifically for failure to file two annual preneed reports for calendar year 2007. Pursuant to Administrative Rule 4717-1-30(C)(2) for a second offense, ten thousand (\$10,000) dollars for each funeral home for a total of twenty thousand dollars. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

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Compliance Mail No. 1

The Board reviewed a letter from Ryan Hobbs concerning firm title. The Board accepted the change from "Wright Funeral Home" to "Wright-Hobbs Funeral Home" in Grand Rapids and Liberty Center. Secretary to inform Mr. Hobbs that all signage and advertisements for reflect the new firm title.

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Compliance Mail No. 2

The Board reviewed a letter from Raymond L. Beebe, attorney that confirmed the status of the Robert O. Tate Settlement account.

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Compliance Mail No. 3.

The Board reviewed a letter from Edward J. Hare concerning firm title. The Board accepted the change of firm title from "Atkinson-Feucht-Shaidnagle Funeral Home" to "Atkinson-Feucht-Hare Funeral Home." Secretary to inform Mr. Hare that all signage and advertisements reflect the new firm title.

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Compliance Mail No. 4.

The Board reviewed a letter from Nancy D. Murray requesting permission to operate the Sibley-Murray Funeral Home after the death of Edward Murray. On a motion by Mr.

Hadley, seconded by Mr. Wasko, the Board approved Ms. Murray's request to operate until January 7, 2009. At the time, Ms. Murray may request an additional twelve months in which to operate. However, before January 7, 2009, she must file a new application for funeral home license. Ayes: 6. Nays: 0. Motion approved.



Compliance Mail No. 5

The Board reviewed a letter from John C. Ourant requesting permission to operate the Ourant Funeral Home after the death of William E. Ourant. On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved Mr. Ourant's request to operate until March 29, 2009. At the time, Mr. Ourant may request an additional twelve months in which to operate. However, before March 29, 2009, he must file a new application for funeral home license. Ayes: 6. Nays: 0. Motion approved.



Compliance Mail No. 6

The Board reviewed a letter from Michael Mallchok, Jr. requesting permission to operate the Mallchok Funeral Home after the death of Michael Mallchok, Sr. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved Mr. Mallchok's request to operate until March 22, 2009. At the time, Mr. Mallchok may request an additional twelve months in which to operate. However, before March 22, 2009, he must file a new application for funeral home license. Ayes: 6. Nays: 0. Motion approved.



Compliance Mail No. 7

The Board reviewed a letter from Stanley Tverbut concerning his loss of employment after the suspension of the McClave-Chandler-Mills Funeral Home in Steubenville.



The Board meeting recessed at 4:51 P.M.



Tuesday – April 22, 2008

The Board reconvened at 8:05 A.M. in the Riffe Center in Columbus, Ohio. President Pernel Jones, Sr. presided. Present were: Ross C. DeJohn, John J. Hadley, Roger Primm, Ty D. Marsh, Robert J. Wasko, Eric E. Anderson, Charles H. Wisby, Jennifer Baugess, and Ann Cunningham. Barbara Hadley observed the Board meeting.

Continuing education

The following motions concern the continuing education programs considered by the Board during the April 2008 meeting and appear in the Continuing Education Section of the Board's Website.

On a motion by Mr. Hadley, 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. Wasko, 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. Primm, seconded by Mr. Hadley, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved.

The Board denied three programs titled “Life Insurance for Business,” “Insurance for Estate Planning.” and “Life & Health Insurance Principles” because the topics are insurance.

There were no applications from individual licensees for approval of a continuing education program.

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved the following application for waiver. Ayes: 6. Nays: 0. Motion approved

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	
X		Carol Ann Krumins	Granted
	X	Louis Sprague Jr.	Granted



On a motion by Mr. Wasko, seconded by Mr. DeJohn, the Board meeting adjourned at 8:45 A.M. Ayes: 5. Nays: 0. Motion approved.