

Monday – May 19, 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. Staff Members present were: Walter McNamara, 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. Also present were: John McGough, OFDA, Michelle Brugh and Guy Ford from the Ohio Department of Insurance.

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On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved, as amended, the minutes of the meeting held on April 21-22, 2008. Ayes: 5. Nay: 0. Motion approved.

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Executive Director's Report

Ms. Cunningham announced that Michael Lyme accepted the Board's offer, and he will begin working as the new Embalmer/Funeral Facility Inspector on Tuesday, May 27, 2008.

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The Executive Director participated in the Ohio Funeral Directors Association Master Training on April 29, 2008. The six-hour class, mandated by the Board's Administrative Rule, was very good under the direction of Don Ferfolia and Poul LeMaster along with other presenters. The Cincinnati College of Mortuary Science and the Buckeye State Funeral Directors and Embalmers Association expressed interest in presenting the mandatory training in the future.

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Board Members, Hadley and Wasko monitored the Ohio Laws examination on April 30, 2008, and will be paid per diem and allowable travel expenses. Mr. Wasko was present at Board's booth at the Ohio Funeral Directors Association convention.

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Mr. DeJohn was present at the OFDA Convention on May 1, and Mr. Marsh on May 2. Both Board Members will receive per diem and allowable travel expenses.

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Mr. Jones will represent the Board of the Buckeye State Funeral Directors and Embalmers Association convention on June 12, 2008 at Atwood Lake Resort. He will receive per diem and allowable travel expenses.

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Inspectors Anderson and Lyme will attend the Crematory Operator Certification Program offered by the Cremation Association of North American scheduled for September 26 at Worsham College of Mortuary Science in Chicago.

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Ms. Wright is an instructor for the new OAKS epay module, and the Staff will enter their own timesheets beginning on May 19. The Staff will continue to enter Board Members time into OAKS.

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Board Members received copies of the Board’s informational handouts from the OFDA Convention, a press release from the Ohio Department of Insurance concerning Lincoln Memorial and NPS, and various news articles.



Licensure

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



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



There were no previously approved applications for the issuance of a crematory facility license after approval of the application, receipt of the occupancy permit, and the final inspection.



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>
Chiles-Laman FH	Bluffton	Allen	09/12/07
Chiles-Laman FH	Lima	Allen	09/12/07
Chiles-Laman FH	Lima	Allen	09/12/07
Chiles-Laman FH	Lima	Allen	09/12/07
Gebhart-Schmidt-Parramore	Miamisburg	Montgomery	11/14/07
Rossi – Lellio FH	Lowellville	Mahoning	12/26/06
Rossi – Lellio FH	Youngstown	Mahoning	04/28/08
Smith-Moore-Ebright FH	Bainbridge	Ross	10/22/07
Smith-Varns FH	Sugarcreek	Tuscarawas	07/09/07



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



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.



Person Before the Board

Darrin J. DeCooman appeared before the Board as an applicant for reciprocal licenses. On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board approved Mr. DeCooman's application. Mr. DeCooman must successfully pass the Ohio Laws examination. Ayes: 6. Nays: 0. Motion approved.

Alan G. Orr appeared before the Board as an applicant for reciprocal licenses. On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board approved Mr. Orr's application. Mr. Orr must successfully pass the Ohio Laws examination. Ayes: 6. Nays: 0. Motion approved.

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There were no license issues for the Board to consider.

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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 applicant. Ayes: 6. Nays: 0. Motion approved.

<u>License No.</u>	<u>Applicant</u>	<u>Location</u>	<u>Date</u>
EMB 9303 FD 9295	Eric M. Weaner	Toledo	05/19/08

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

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB 0263 EMB 0390	Roger D. Liming, Jr.	Columbus	04/08/08
EMB 0264 FD 0391	Charles E. Watson, Jr.	Cleveland	04/15/08
FD 0392	Keli M. Bonner	Youngstown	04/22/08

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

<u>Cert No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>Location</u>	<u>date</u>
EMB 0263 FD 0390	Roger D. Liming Jr.	O.R. Woodyard Co	Columbus	04/08/08
EMB 0264 FD 0391	Charles E. Watson Jr.	Watson's FH	Cleveland	04/17/08
FD 0272	Devin R. Woodyard	O.R. Woodyard Co	Columbus	04/17/08

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Reports submitted by apprentices during the month of April.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	68	127
Quarterly Master Reports	10	21
Board Interviews	3	8



Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal indicating that the Board collected \$4,025.00 in April for a total of \$76,027.51 for the Fiscal Year. Also, the Board reviewed the voucher journal 38 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.

Preneed

The Board discussed the proposed preneed legislation with John McGough, OFDA, and Michelle Brugh and Guy Ford, Department of Insurance. With the failure to secure administration of a recovery fund in the Attorney General's Office, the Board has grave concerns about the placing the authority of preneed in the Board section of the Revised Code without funding. Also, the Board was interested in the Department of Insurance's opinion on the addition of annuity to the language. Ms. Brugh and Mr. Guy expressed concern with the language and stated that the Department was willing to work with the interested parties to protect consumers.



Compliance

Inspectors' Reports

Inspector: Anderson	Board meeting: May 19-20 2008		
Start date: April 13, 2008	End date: May 10, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period Inspected 6 funeral homes out of territory	0	0	37
Total facilities as of July 1	46	2	619
New facilities added after July 1	4	0	21
Facilities closed after July 1	4	0	56
Adjusted total	46	2	584
Annual inspections to-date	43	2	534
Remaining to be inspected this FY	3	0	50
Violations this period	0	1	5
Apprentices Monitored this period			0
<u>Mileage</u>			

Mileage this report	2,720		
Total FY mileage to-date	11,503		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	2		
Bd office-hearing/meetings	4/21, 4/22, 5/5, 5/6		
Conferences/presentations	0		
Court			
Leave			
Training	CLEAR 4/14-15-16		

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Compliance

Mrs. Baugess reported that there are fifteen (15) pending complaints, twenty-three (23) charged complaints pending hearing, settlements or Board Order Compliance.

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The Board received the following forfeiture: \$1,000 from Frank E. Smith Funeral Home, complaint #0801045, and \$1,500 from Newcomer Funeral Home, complaint #0801044.

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In April 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>
FH000888	Goebel FH Inc	Dorothy Goebel	MGR	Perry
FH002082	Hummel FH West	Paul Hummel	MGR	Summit
FH000247	Mallchok FH	Michael Mallchok	MGR	Cuyahoga
FH002937	Atkinson-Feucht-Shaidnagle	Edward Hare	AIC	Stark
FH000675	Cowling FH Inc	Tad Cowling	AIC	Lorain
FH000888	Goebel FH Inc	Dorothy Goebel	AIC	Perry
FH000247	Mallchok FH	Michael Mallchok	AIC	Cuyahoga
FH002774	Sibley-Murray FH	Karen Hovell	AIC	Stark

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There were no investigatory files to close.

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Compliance Issue No. 1

The Board considered a motion for remitter of partial bond money from Sandra J. Sinucane, attorney for Robert O. Tate, Jr. requesting release of \$12,000 from the preneed account, which is required by the settlement agreement signed November 18, 2003. The Board denied the motion and directed the Secretary to inform Mr. Tate that the Board

stands by the original settlement which requires all noted preneed funerals to be fulfilled as a requirement to close the account.

Compliance Issue No. 2

The Board reviewed a letter from Representative Mark D. Okey concerning the Allmon-Dugger-Cotton Funeral Home complaint. The Board has extensively reviewed and discussed the complaint and with legal analysis provided by the Board's Assistant Attorney General determined based on the contract language, the funeral home has not violated any of the statutes the Board is charged with governing. To the best of the Board's knowledge, the preneeds were initially funded by PODs and the consumers received 1099 forms, and the preneeds were converted into life insurance policies. In addition, the funeral home changed owners three times since the inception of the preneed contracts. The current owner of the funeral home will fulfill the preneed contracts and the Board reiterated that the funeral home has not violated any of the statutes the Board is charged with governing.

Compliant Issue No. 3

The Board received notice from the Mahoning County Child Support Enforcement Agency that Christopher J. Engartner had been determined in default under a child support order. Pursuant to Section 3123.47 of the Revised Code, the Board is prohibited from issuing a license. The Board is also required to suspend any license that has been issued. The Board's decision to suspend the license will remain in effect until the Board receives notice from the Mahoning County Child Support Enforcement Agency that Mr. Engartner is no longer in default.

Within hours of receiving the notice, the Board received a telephone call and a fax from the Mahoning County Child Support Enforcement Agency indicating that the matter had been resolved and paid up to date and therefore, asked the Board not to proceed with suspension of licenses.

Compliance Issue No. 4

The Board reviewed two letters written by Don Finefrock that Todd Snyder wishes to place in the newspaper; one letter was written to Mr. Snyder and the second letter was to the Editor of a local newspaper. The Board directed the Secretary to inform Mr. Snyder that at this time the format and language of these advertisements, as submitted to the Board does not conflict with the law.

Compliance Issue No. 5

The Board reviewed proposed business cards for non-licensed employees of the Dwayne R. Spence Funeral Home, and determined that the card must reflect in professional license held by the employee, such as insurance agent, etc. and the card must include the employee's title; receptionist, driver, etc. All advertisements should be clear to consumer.

Compliance Mail No. 1

The Board reviewed a letter from Warren J. Newcomer, Jr. which expressed "surprise and disappointment" to the charge of unprofessional conduct in complaint #0801044.

The Board directed the Secretary to refer Mr. Newcomer to the original complaint and charge letter. It was noted that Mr. Newcomer remitted the forfeiture.

Compliance Mail No. 2

The Board reviewed a letter from J. Perry Hasselbeck, Sr. Vice President Newcomer Group in which Mr. Hasselbeck submitted information about sensitive training required as a result of complaint #0801044. In addition, Mr. Hasselbeck requested two hours of continuing education credit. The Board approved the sensitivity training course, but directed the Secretary to inform Mr. Hasselbeck that continuing education applications, CE#2 must be submitted and approved prior to the actual program.

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The Board meeting recessed at 4:45 P.M.

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Tuesday – May 20, 2008

The Board reconvened at 8:03 A.M. in the Riffe Center in Columbus, Ohio. President Pernel Jones, Sr. presided. Present were: 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.

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Examinations

The Board reviewed the results of the Ohio Laws Examinations, written April 30, 2008. On a motion by Mr. Hadley, 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. Roll Call Vote: Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

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Continuing education

The following motions concern the continuing education programs considered by the Board during the May 2008 meeting and appear 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: 5. Nays: 0. Motion approved.

On a motion by Mr. Primm, 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: 5. Nays: 0. Motion approved.

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

On a motion by Mr. Primm, seconded by Mr. Wasko, the Board approved, and where indicated denied, the applications from individual licensees for approval of a continuing education program. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following application for waiver. Ayes: 5. Nays: 0. Motion approved

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	
X		Hoening, Thomas C	Granted
	X	Turner, Davey L	Granted

On a motion by Mr. Primm, seconded by Mr. Wasko, the Board approved the following application for 50-year exemption for continuing education. Ayes: 5. Nays: 0. Motion approved

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	
X		Hoening, Thomas C	Granted



Compliance Motion No. 1

On a motion by Mr. Wasko, seconded by Mr. Hadley, the Board voted to close complaint #08011031 because the complaint did not rise to the level of violation and the funeral home attempted to correct the situation. Roll Call Vote: Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

Compliance Motion No. 2

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to remove from the table compliance motion #6 from the April 21-22, 2008 Board Meeting. Ayes: 5. Nays: 0. Motion approved.

Due to an error by the Board staff, the Common Pleas Court of Huron County reversed the Board's order. On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to charge Matthew Schwab and the Secor Funeral Home 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. Roll Call Vote: Hadley, Nay; Jones, Nay; Marsh, Nay; Primm, Nay; Wasko, Nay. The motion failed.



On a motion by Mr. Primm, seconded by Mr. Hadley, the Board meeting adjourned at 9:25 A.M. Ayes: 5. Nays: 0. Motion approved.