

Monday – June 16, 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 1:10 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: Clarence Glover, Joseph Garr and Carl Swann.



On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved, as amended, the minutes of the meeting held on May 19-20, 2008. Ayes: 6. Nay: 0. Motion approved.

President Jones observed that Mr. DeJohn's final term ends on June 30, 2008. Section 4717.02 of the Revised Code states in part that "a member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Therefore Mr. DeJohn will serve until August 30. The Board Members expressed their appreciation for Mr. DeJohn's many years of service to the Board and consumers of Ohio.

President Jones announced the recent death of Don Finefrock, a former member of the Board and stated that the Snyder Funeral Home on Marion Avenue in Mansfield handled arrangements.



Executive Director's Report

Ms. Cunningham introduced Michael Lyme, the Board's new Embalmer/Funeral Facility Inspector. Mr. Lyme began his employment on May 27, 2008, and will assume the western territory including Cincinnati, Columbus and Toledo.



President Jones represented the Board at the annual convention of the Buckeye State Funeral Directors and Embalmers Association on June 12, 2008. Mr. Jones was paid per diem and reimbursed for allowable travel expenses. President Jones reported that he was met with negative words from the United Funeral Directors and Embalmers of Southern Ohio. The problem arose from the allegation that the Board did not respond to a request to meet with the group. The Board office did not receive the request and steps will be taken to remedy the situation.



Ms. Cunningham reported that Inspectors Anderson and Lyme are registered for the Crematory Operator Certification Program offered by the Cremation Association of North America at Worsham College of Mortuary Science on September 26, 2008.



Board Members received copies of a consent agreement between the Ohio Department of Insurance and National Prearranged Services, Inc [Lincoln Memorial] along with a copy of the Agreed Order Appointing Rehabilitator and Permanent Injunction between the State of Texas and Memorial Service Life Insurance Company, Lincoln Memorial Life Insurance Company, and National Prearranged Services, Inc.



Ms. Cunningham reported that she participated in an all-day class on the Ohio Hiring Management System, administered by OAKS and powered by NEOGov. This is the result of new state requirements.



Mr. Wasko represented the Board at the Tri-County meeting in Youngstown on June 5, 2008. Mr. Wasko was paid per diem and reimbursed for allowable travel expenses.



Persons Before the Board

At this point in the meeting, President Jones recognized Clarence Glover, Joseph Garr and Carl Swann of the United Funeral Directors and Embalmers of Southern Ohio. Mr. Glover spoke of the groups desire to discuss a situation in the Cincinnati area involving unlicensed personnel making arrangements. Executive Director Cunningham explained the Board’s complaint process and apologized to Mr. Glover however the Board office has no evidence of receiving the written request to meet with the Board.



Suzanne K. Fields of Illinois appeared before the Board to discuss her application for reciprocal licensure. After questioning by the Board, and on a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to allow Ms. Fields to sit for the Ohio Laws examination and provided she is successful, to complete the process for licensure.

Warren E. Clarke of Connecticut appeared before the Board to discuss his application for reciprocal licensure. After questioning by the Board, and on a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to allow Mr. Clarke to sit for the Ohio Laws examination and provided he is successful, to complete the process for licensure.



Licensure

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



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



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. DeJohn, seconded by Mr. Hadley, 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>
Best FS	leasing	Ashtabula	Ashtabula	08/27/07

Edwards FS	leasing	Reynoldsburg	Franklin	10/11/06
McGorray-Hanna FH Inc		Lakewood	Cuyahoga	08/08/07
McGorray-Hanna FH Inc		Westlake	Cuyahoga	03/25/08

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

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Sommerville	Canton	Stark

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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.

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

The Board reviewed a letter from Chris Gilbert requesting permission to work part time during his apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to approve Mr. Gilbert's request to work no more than twenty hours per week during his apprenticeship. Ayes: 6. Nays: 0. Motion approved.

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On a motion by Mr. DeJohn seconded by Mr. Hadley, the Board voted to issue embalmer and/or funeral director licenses to the following qualified applicant. Ayes: 6. Nays: 0. Motion approved.

<u>License No.</u>	<u>Applicant</u>	<u>Location</u>	<u>Date</u>
FD-9296	Cole, Peter J.	Toledo	06/16/08
EMB-9304 A FD-9297	Davis, Leslie Y.	Cincinnati	06/16/08
EMB-9305 A FD-9298	Engle, Angela S.	Bowling Green	06/16/08
EMB-9306 A FD-9299	Foos, Gerald J.	Bellevue	06/16/08
EMB-9307 R FD-9300	Harper III, Robert S.	Cleveland	06/16/08
EMB-9308 A FD-9301	McDaniel, Shelby L.	Struthers	06/16/08
EMB-9309 A FD-9302	Robbins, Molly J.	Perrysburg	06/16/08
FD-9303	Rogers, Kevin M.	Trotwood	06/16/08
EMB-9310 A FD-9304	Singleton, Stephanie D.	Hamilton	06/16/08

EMB-9311 A FD-9305	Snider, Terry R.	Cadiz	06/16/08
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The following individual were issued embalmer and/or funeral director registration numbers during the months of May 2008.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD 0393	Armstrong, Tracy L.	Columbus	05/20/08
FD 0394	Bayliff, Lauryn C.	Tipp City	05/20/08
EMB 0265 FD 0395	Davis, Mary D.	Alliance	05/20/08

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

<u>Cert No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>Location</u>	<u>date</u>
EMB 0265 FD 0395	Davis, Mary D	Cassaday-Turkle Christian FH	Alliance	05/20/08
EMB 0112 FD 0168	Gilbert, Christopher	Boyd FH	Marion	05/05/08
EMB 0248 FD 0368	Tiggs, Quintessa	E F Boyd & Son FH	Cleveland	05/12/08

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Reports submitted by apprentices during the month of May.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	44	111
Quarterly Master Reports	7	18
Board Interviews	4	6

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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 \$3,943.00 in May for a total of \$79,970.51 for the Fiscal Year. Also, the Board reviewed the voucher journal 34 vouchers and encumbrances for May, and the Budget Overview chart of allotments and expenses.

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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.

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Compliance

Inspectors' Reports

Inspector: Anderson	Board meeting: June 16-17, 2008		
Start date: May 11, 2008	End date: June 7, 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	3	0	65
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	46	0	599
Remaining to be inspected this FY	0	2	0
Violations this period	0	0	12
Apprentices Monitored this period			5
<u>Mileage</u>			
Mileage this report	3,497		
Total FY mileage to-date	15,000		
<u>Misc</u>	<u>Dates</u>		
Investigations this period			
Bd office-hearing/meetings	5/19,5/20,6/2,6/3		
Conferences/presentations	0		
Court			
Leave			
Training	OAKS 5/13		



Inspector Lyme worked in the Board office since May 27, 2008 reviewing license files, State of Ohio procedures and Board procedures.



After a discussion with Inspector Anderson, Mr. DeJohn questioned the manner in which the Board divides the territories between the Inspectors. Ms. Cunningham explained that with new inspectors, the Board office planned to review the territories after Inspector Lyme had an opportunity to travel through his designated area. Ms. Cunningham added that the information would be analyzed by DAS/OIT using GSP technology. On a motion by Mr. Wasko, seconded Mr. DeJohn, the Board voted to change the Inspectors'

territories. The motion was amended to allow the Executive Director to research and approve the any new territories. Ayes: 6. Nays: 0. Motion approved.



Compliance

Mrs. Baugess reported that there are ten (10) pending complaints, twenty-one (21) charged complaints pending hearing, settlements or Board Order Compliance.



The Board received the following forfeiture: \$750.00 from Brown Funeral Chapel, complaint #0704119. There are two hearings scheduled for June 18, and the Board office received one report and recommendation.



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 Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH001240	Mark A Schneider FH	Cotton, Timothy	MGR	Crawford
FH002744	Newcomer FH	Lysien, Michael	MGR	Franklin
FH002810	Grisell FH	Grisell, Sidney	MGR	Monroe
FH002338	Don Williams FH	Williams John	AIC	Stark



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

<u>Complaint No.</u>	<u>Date Received</u>	<u>Issue</u>
0805061	5/5/08	Advertising
0809023	9/28/07	Unprofessional
0802048	2/12/08	Unprofessional
0805064	5/20/08	Unprofessional
0811033	11/30/07	Embalming
0801043	1/25/08	Unprofessional
0805062	5/5/08	Preneed transfer



Compliance Motion No. 2

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers, on the hearing held March 18, 2008 concerning James R. Acree, Jr. and a violation of Section 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, Mr. Acree filed to provide the Board with the requested information on complaint #0809016. No objections to the Report and Recommendation were submitted for consideration prior to voting.

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

Board Order

The Board found ordered James R. Acree [embalmer license no. 008427 and funeral director license no. 008182] to remit a forfeiture of \$750.00 within thirty days of the date of the notice of the Board Order.

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 December 10, 2007 concerning Kevin L. Boso, and his violation of Section 4717.14(A)(2) of the Revised Code, for unprofessional conduct. Specifically, Mr. Boso was convicted of violation of Section 2923.02A (F4) of the Revised Code, attempted unlawful sexual conduct and Section 2907.07D2(F5) of the Revised Code for Importuning.

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

On a motion by Mr. Hadley, seconded by Mr. DeJohn, 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.

Board Order

The Board ordered the revocation of embalmer license no. 0083352 and funeral director license no. 008019 held by Kevin L. Boso. Mr. Boso's licenses are not currently active, and the revocation will begin thirty days after the date of the revocation notice.

Compliance Motion No. 4

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to close complaint no. 0801046, an allegation of unprofessional conduct. Due to a conflict of interest the complaint was investigated by another licensing board and the investigator concluded that the allegations are without merit and lacking in validity, and that there had

been no violation of Section 4717. of the Revised Code. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

Compliance Motion No. 5

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to issue a cease and desist order to LeMoyne B. Nesbitt and the Nesbitt Funeral Home, using misleading advertisement; specifically for using a funeral home firm title in obituaries that was different from the firm title of the licensed funeral home. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

Compliance Motion No. 6

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board voted to charge Willard R. Mills, Jr. and the McClave-Chandler-Mills Funeral Home in Steubenville with violation of Section 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, Mr. Mills failed to provide a written response to complaint no. 0804063 and complaint no. 0811029. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to charge Willard R. Mills, Jr. and the McClave-Chandler-Mills Funeral Home in Steubenville with violation of Section 4717.14(A)(4) of the Revised Code for unprofessional conduct. Specifically, Mr. Mills failed to provide serves as contracted when he did not forward cremains to the cemetery until contacted by the media. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

Compliance Motion No. 7

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board voted to charge Willard R. Mills with violation of Section 4717.14(A)(4) of the Revised Code for unprofessional conduct. Specifically for failure to comply with the requirements of Section 1111.19 of the Revised Code and Section 4717.14(A)(3) of the Revised Code as it incorporates Administrative Rule 4717-1-18(F) for misappropriation of amount of money, paid by ten consumers in order to fund their funeral services, and failing to properly deposit payments for the preneed contracts within thirty days. The money received from consumers was never deposited with a trust or insurance company, resulting in a misappropriation of over thirty-two thousand dollars from at least ten consumers. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

Compliance Mail No. 1

The Board reviewed a letter from Philip M. Cowan in which Mr. Cowan announced that as a result of fire damage, the Cowan & Son Stainfield Memorial Funeral Home in Convoy was closed April 23, 2008. Mr. Cowan submitted a clearly enumerated list of preneed accounts, which will be honored at the Cowan & Son Funeral Home in Van Wert.

Compliance Mail No. 2

The Board reviewed a letter from Pamela Reber Jones concerning the firm title of a future funeral home. Secretary to inform Ms Reber Jones that Section 4717.06(C)(3) of the Revised Code requires that “a funeral home shall be established and operated only under the name of a holder of a funeral director’s license issued by the Board who is actually in charge of and ultimately responsible for the funeral home. Ms. Reber Jones must use her name as it appears on her funeral director license, and she would need to submit documentation of any legal name change. In addition, the Board will permit an advertisement in a telephone book if the Board has voted to issue the license pending receipt of an occupancy permit and final inspection by the Board, and if copies of the actual building permits are on file in the pending license folder in the Board office.

Compliance Mail No. 3

The Board reviewed a letter from Linda Beam, former co-owner of the Ellis-Beam Funeral Home concerning advertisements by the current owners. Mrs. Baugess to inform the owners that the funeral home firm title “Thompson-Meeker Funeral Home” is the licensed firm title and must be utilized in all advertisement. The Board believes the use of “Ellis” was misleading because it was not the immediate former firm title.

Compliance Mail No. 4

The Board reviewed a letter from Dean A. Woodyard of O.R. Woodyard Company in which Mr. Woodyard requested additional time to replace their manager. Mrs. Baugess to reiterated to Mr. Woodyard that he has thirty days in which to submit an amendment naming the new manager.

Compliance Mail No. 5

The Board reviewed a letter from Timothy N. Tye, attorney for Newcomer Funeral Home in which Mr. Tye requested specific examples of behavior on the part of Newcomer Funeral Home that constituted unprofessional conduct with respect to complaint no. 0801044. The Board reiterated that the original complaint and the Board’s charge letter specifically detailed the behavior in questions.

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Assistant Attorney General Walter McNamara left the meeting at 3:31 P.M. for a previous commitment.

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The Board meeting recessed at 3:52 P.M.

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Tuesday – June 17, 2008

The Board reconvened at 8:04 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, Michael Lyme, Jennifer Baugess, and Ann Cunningham. Barbara Hadley observed the Board meeting.

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Continuing education

The following motions concern the continuing education programs considered by the Board during the June 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: 6. 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. Wasko, seconded by Mr. Hadley, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Wasko, the Board approved, and where indicated denied, the applications from individual licensees for approval of a continuing education program. Ayes: 6. Nays: 0. Motion approved.

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	Wappner, Richard T	Granted

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved the following application for 50-year exemption for continuing education. Ayes: 6. Nays: 0. Motion approved

<u>Date Received</u>	<u>Exemption</u>	<u>Licensee</u>
05/29/08	Hoening, Thomas C	006059



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 Court of Appeals remanded complaint #0606149 to the Board. 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. DeJohn, seconded by Mr. Wasko, the Board meeting adjourned at 8:52 A.M. Ayes: 6. Nays: 0. Motion approved.