

Monday – October 20, 2008

The Board of Embalmers and Funeral Directors met in regular session in the Riffe Center at 77 South High Street in Columbus, Ohio. John J. Hadley, President, called the meeting to order at 1:05 P.M. Other Board members present were: Linda M. Betzer, Ty D. Marsh, Roger Primm, Robert J. Wasko, and Pamela Williams-Briggs. Staff Members present were: Assistant Attorney General, Walter McNamara, Eric E. Anderson, Inspector; Michael T. Lyme, 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 Ms. Betzer, the Board approved, as amended, the minutes of the meeting held on September 15-16, 2008. Ayes: 6. Nay: 0. Motion approved.

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Executive Director's Report

Mr. Primm and Mrs. Baugess participated in the Ohio Funeral Directors Association Apprentice Seminar on September 25, 2008. Mr. Primm was paid per diem and reimbursed for allowable travel expenses.

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Mrs. Baugess attended the North American Cemetery Regulators Association [NCRA] Annual Convention in Cleveland on September 17-18, 2008.

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Inspectors Anderson and Lyme completed the Crematory Operators Certification Program offered by the Cremation Association of North America at Worsham College of Mortuary Science in Chicago on September 26, 2008.

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Mr. Hadley will monitor the Ohio Laws Examination along with Mrs. Baugess on October 29, 2008.

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The Board staff will participate the Reverse Trade Fair as mandated by the Equal Opportunity Division of the Department of Administrative Services on November 5, 2008.

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Ms. Betzer, Mr. Wasko, Mrs. Williams-Briggs and Inspector Anderson will attend the Governor's Ethics Training on November 21, 2008. The Board Members will be paid per diem and allowable travel expenses.

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Board Members received updated allowable estimates for sending Board President and Secretary-Treasurer along with Ms. Cunningham and Mrs. Baugess to the International Conference of Funeral Service Examining Board [Conference] Annual Convention at Kingsmill Resort in Williamsburg, Virginia, February 25-26-27, 2009.

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Board Members received a copy of the following: Conference Fall Newsletter 2008, updated Governor's Office Political Activity Policy, and the Ohio Department of Health, Office of Vital Statistics – Impact Statement regarding Senate Bill 175- the Grieving Parents Act, which is also posted on the Board's website.

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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. Primm, 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>
George P. Catavolos FH	Lakewood	Cuyahoga	Leasing
Kevin F. Jennings FH	West Liberty	Logan	10/18/07
McLin FH	Dayton	Montgomery	01/30/08
Orr FH [issued 9/15/08 correction]	West Unity	Williams	07/07/08
Saxton	Westlake	Cuyahoga	leasing



On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board tabled the following application for funeral home license. Ayes: 6. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Brough-Getts FH	Miamisburg	Montgomery	11/13/07



On a motion by Mr. Primm, seconded by Ms. Betzer, the Board denied the following application for funeral home license because the firm title was not in compliance with Section 4717.06(B)(3) of the Revised Code. Ayes: 5. Nays: 1. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Chas A. Miller	Cincinnati	Hamilton	leasing



On a motion by Mr. Primm, seconded by Mrs. Williams-Briggs, the Board denied the following application for Funeral Home license pending receipt of an occupancy permit and final inspection by the Board because the firm title was not in compliance with Section 4717.06(B)(3) of the Revised Code. Ayes: 5. Nays: 1. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Egan-Ryan FH	Columbus	Franklin



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

Tracy L. Armstrong appeared before the Board as an applicant for funeral director licensure. Ms. Armstrong urged the Board to allow her to service her apprentice on school breaks and vacation while she maintained her full-time position with the Columbus City Schools. The Board Members reiterated that apprenticeships require full-time employment by the funeral home, and that the Board may grant part-time employment of no more than twenty hours per week during an apprenticeship.



Joshua B. Fraley and Attorney Kenneth Cookson appeared before the Board to address Mr. Fraley’s failure to remit renewal fees for biennium 2007 and 2008. Madeline Evans, Mr. Fraley’s employer also spoke to the Board. On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted that Mr. Fraley must reinstate his licenses as proscribed in Section 4717.08(C) of the Revised Code that requires successful passage of the Ohio Laws examination and payment of late penalty fees. Ayes: 6. Nays: 0. Motion approved.



Licensure [continued]

Previously, Theodore J. Schleifer, III appeared before the Board as an applicant for reciprocal. After answering questions, the Board, on a motion by Mr. Wasko, seconded by Mr. Primm, voted to table the application submitted by Mr. Schleifer.

On a motion by Mr. Primm, seconded by Mrs. Williams-Briggs, the Board voted to remove from the table an application for reciprocal license submitted by Theodore J. Schleifer, III. Ayes: 6. Nays: 0. Motion approved.

On a motion by Ms. Betzer, seconded by Mr. Primm, the Board voted to deny the application for reciprocal license submitted by Theodore J. Schleifer, III, based on court records received from the State of Pennsylvania. Roll call vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.



The Board reviewed a letter from Jean A. Corliss concerning part-time employment during her apprenticeship. The Board approved Ms. Corliss’ request provided she works no more than twenty (20) hours per weeks outside her apprenticeship.



On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the following individuals were issued embalmer and/or funeral director license numbers during. Ayes: 6. Nays: 0. Motion approved.

<u>License No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD-9328	Baki, Jane W.	Mansfield	10/20/08

FD-9329	Bayliff-Fultz, Valery A.	Cridersville	10/20/08
EMB-9229 A FD-9330	Hamilton, Rebecca M.	Reesville	10/20/08
EMB-9330 FD-9331	Lewis, Nathaneal R.	Columbus	10/20/08



The following individuals were issued embalmer and/or funeral director registration numbers during the month of September 2008.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB-0277 FD-0414	Alexander, Jessie N.	Piketon	09/05/08
FD-0415	O'Driscoll, Molly E.	Columbus	09/09/08
EMB-0278 FD-0416	Christiansen-Kloss, Melissa	Dayton	09/23/08
EMB-0279 FD-0417	Fortuna, Joseph A.	Newburgh Hts	09/23/08
EMB-0280 FD-0418	Kookoothe, Kelly E.	Toledo	09/23/08
EMB-0281 FD-0419	Moore, Steven E.	Newark	09/23/08
EMB-0282 FD-0420	Olivieri, Veronica R.	Brunswick	09/23/08
EMB-0283 FD-0421	Ryan, Kevin M.	Columbus	09/26/08
EMB-0284 FD-0422	Kincer, McKenzie K.	Vandalia	09/26/08
FD-0423	Yowler, William E.	Springfield	09/26/08
FD-0424	Day, Alison H.	Holland	09/30/08



The following individuals certified embalmer and/or funeral director apprenticeships during the month of September 2008.

<u>Certification</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Date</u>
EMB-0284 FD-0422	Kincer, McKenzie K.	Tobias FH	Dayton	09/29/08
EMB-0280 FD-0418	Kookoothe, Kelly E.	Tufts-Schildmeyer	Loveland	09/29/08
FD-0415	O'Driscoll, Molly E	C D White & Son	Columbus	09/10/08
EMB-0282 FD-0420	Olivieri, Veronica	Waite & Son FH	Brunswick	09/29/08
EMB-0283 FD-0421	Ryan, Kevin M.	Egan-Ryan FH	Columbus	09/29/08

FD-0294	Savage, Jamie	Lane FH	Canfield	09/11/08
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Reports submitted by apprentices during the month of September.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	151	303
Quarterly Master Reports	25	50
Board Interviews	4	10

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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 \$13,107.00 in September 2008 for a total of \$17,673.13 for Fiscal Year 2009. Also, the Board reviewed the voucher journal of 27 vouchers and encumbrances for August, and the Budget Overview chart of allotments and expenses.

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Committee Report

President Hadley readjusted the following Committee Assignments:

Crematory Review:	Hadley, Primm, and Wasko
Apprenticeship:	Betzer, Wasko, and Williams-Briggs
Continuing Education:	Marsh, Primm, and Williams Briggs
Preneed:	Betzer, Marsh, and Primm
Staff	Officers

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Compliance - Inspectors' Reports

Inspector: Anderson	Board meeting: October 20-21, 2008		
Start date: September 14, 2008	End date: October 11, 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	6	0	49
Total facilities as of July 1	49	3	598
New facilities added after July 1	0	0	0
Facilities closed after July 1	0	0	0
Adjusted total	49	3	598
Annual inspections to-date	13	0	250
Remaining to be inspected this FY	36	3	348
Violations this period	0	0	10
Apprentices Monitored this period	0		3

<u>Mileage</u>			
Mileage this report	3,661		
Total FY mileage to-date	11,716		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	1		
Bd office-hearing/meetings	9/15, 9/16, 10/6, 10/7		
Conferences/presentations			
Court			
Leave			
Training	CANA 8/25-9/27		



Inspector: Lyme	Board meeting: October 20-21, 2008		
Start date: September 14, 2008	End date: October 11, 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	54
Total facilities as of July 1	49	2	574
New facilities added after July 1	0	0	0
Facilities closed after July 1	0	0	0
Adjusted total	49	3	574
Annual inspections to-date	10	0	211
Remaining to be inspected this FY	39	3	363
Violations this period	0	0	1
Apprentices Monitored this period	0		2
<u>Mileage</u>			
Mileage this report	2,565		
Total FY mileage to-date	9,243		
<u>Misc</u>	<u>Dates</u>		
Investigations this period			
Bd office-hearing/meetings	9/15, 9/16, 10/6,10/7		

Conferences/presentations	
Court	
Leave	
Training	CANA 9/25-9/27

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Compliance

Mrs. Baugess reported that there are fourteen (14) pending complaints, sixteen (16) charged complaints pending hearing, settlements or Board Order Compliance.

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There was one forfeiture received by the Board, \$1,000 from Schoedinger Funeral Choices. The Board continued (1) hearing scheduled for September, and are five (5) report and recommendations pending with the Hearing Officer.

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Mrs. Baugess relayed further information regarding a Michigan business that offers to pay funeral homes for the disposition of metal implants; a former member of the Michigan State Board stated that the Michigan Funeral Director Association does not support this option, and a Columbus crematory operator had seen a brochure, but his company contracts with and pays a waste disposal company, it was mentioned during the CANA training, and in a news article from Guildford (crematory outside of the United States) addressed the process , but also spoke to environmental concerns.

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Mrs. Baugess reported on the agenda of the NCRA Annual Meeting that included (1) Preneed [Iowa requires a CPA resale audit prior to selling a funeral home, Texas reported an increase in preneed contracts that include monuments, and Louisiana preneed statues address third-party sellers]; (2) Regulation [New York requires crematory operators to obtain training/certification every five years]; (3) Presentations [Elements of Fraud, When a Reporter Calls, Federal Jurisdiction, Insurance in Lieu of Cemetery Preneed Trusting, and Cemetery Fraud Case Studies.]

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In September 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>
FH 002501	Herlihy-Tinsman FH	William Chambers	AIC	Richland
FH 002501	Herlihy-Tinsman FH	William Chambers	MGR	Richland
FH 001390	Littleton & Rue	Kevin Jennings	AIC	Logan

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Compliance Motion No. 1

On a motion by Mr. Marsh, seconded by Mr. Wasko, the Board voted to close eleven [11] investigatory files because of no violation or jurisdiction and/or complaint settled by involved parties. Roll call vote: Betzer, Aye, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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Compliance Motion No. 2

On a motion by Mr. Primm, seconded by Ms. Betzer, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and John H. Phillips, Attorney for Gregory Brown, for failure to renew licenses and conducting a funeral service without a license. Mr. Brown received a seven-day suspension of his embalmer and funeral director licenses, and paid a one thousand dollar fine. Roll call vote: Betzer, Aye, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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Compliance Motion No. 3

On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and James W. Skogstrom, Attorney for James E. Qualls, III, for delay in cremation. Mr. Qualls paid a fine of one thousand dollars. Roll call vote: Betzer, Aye, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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Compliance Motion No. 4

On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and James W. Skogstrom, Attorney for James E. Qualls, III, for unprofessional conduct for misappropriation of money paid by a consumer in order to fund their funeral service. Mr. Qualls surrender his embalmer and funeral director licenses for two years. At the conclusion of the two-year period, Mr. Qualls may reapply to the Board for both licenses. Roll call vote: Betzer, Aye, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and Charles E. Mills, Attorney for Joseph Nero and the Vito-Nero Funeral Home, for unprofessional conduct for failing to comply with the Board's requests for information during an investigation. Mr. Nero paid a fine of five hundred dollars. Betzer, Aye, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board voted to close a complaint regarding advertisement. The funeral home involved voluntarily offered to amend and clarify the advertisement. Roll call vote: Betzer, Aye, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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Mr. Wasko made a motion to close a complaint involving unprofessional conduct by a funeral home for allegedly providing certified death certificates to an individual prior to final disposition of the deceased. The motion failed for lack of a second. It was noted that the complaint come from the Ohio Department of Health Office of Vital Statistics, however the Department's legal staff will not pursue the matter.

On a motion by Mr. Wasko, seconded by Mr. Primm, the Board voted to close the complaint involving unprofessional conduct. Roll call vote: Betzer, Present, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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The Board meeting recessed at 4:03 P.M.

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Tuesday – October 21, 2008

The Board reconvened at 8:10 A.M. in the Riffe Center in Columbus, Ohio. President John J. Hadley presided. Present were: Linda M. Betzer, Ty D. Marsh, Roger Primm, Robert J. Wasko, Pamela Williams-Briggs, Eric E. Anderson, Michael T. Lyme, and Ann Cunningham. Barbara Hadley observed the Board meeting.

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Compliance Issue No. 1

The Board staff has been questioned about the existence of several “Cremation Societies” in Ohio, and legality and/or extent of their services. Board Members were reminded of the 1999 agreement with eight specific funeral homes regarding “Ohio Cremation and Memorial Society.” The Board staff presented information on three potential situations regarding businesses that were not part of the 1999 settlement.

On a motion by Mr. Primm, seconded by Mrs. Williams-Briggs the Board voted to charge the following with violation of Section 4717.14(A)(10) of the Revised Code for false and deceptive advertisements: Roll call vote: Betzer, Aye, Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

American Cremation Service: Richard G. Snider, Baker-Hazel & Snider Funeral Home
Cremation Society of Toledo: Eria Kiser, Kiser Funeral Service
Ohio Valley Care Cremation Services: Frances K. Borkoski, Borkoski Funeral Home

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Compliance Mail No. 1

The Board reviewed a letter from M. Susan Imwalle-Nauer concerning permission to operate for another twelve months. On a motion by Mr. Marsh, seconded by Mr. Wasko, the Board voted to allow the Immalle Memorial Funeral Home to continue operating until June 25, 2009. Prior to that date, the owner must submit a new application for funeral home license. Ayes: 6. Nays: 0. Motion approved.

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Compliance Mail No. 2

The Board reviewed a letter from Judi Lawrence concerning firm title. The Board accepted the firm title change from “Stroud-Lawrence Funeral Home” to “Stroud-Lawrence-Rotenbor.” Secretary to inform Mrs. Lawrence that all advertisements and signage must reflex the new firm title. Board records will be amended.

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Compliance Mail No. 3

The Board reviewed a letter from W. R. Book requesting permission to operate for another twelve months. On a motion by Mr. Primm, seconded by Ms. Betzer, the Board voted to allow Chas. A. Miller Sons, Inc. permission to continue operating at 4138 Hamilton Avenue until September 15, 2009. Ayes: 6. Nays: 0. Motion approved.

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Compliance Mail No. 4

The Board reviewed a letter from John W. Den Herder informing the Board that Slade-Den Herder Funeral Home in Payne Ohio ceased operation.

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Compliance Mail No. 5.

The Board reviewed a letter from Raymond L. Beebe, Attorney confirming the status of the funds held in the Robert O. Tate. Settlement matter.



Continuing Education

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

On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, 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 Mrs. Williams-Briggs, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board approved, and where indicated denied, applications from individual licensees for approval of a continuing education program. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Marsh, seconded by Mr. Wasco, the Board approved the following exemption and/or waivers. Ayes: 6. Nays: 0. Motion approved.

Waiver	Exemption	Licensee	Grant/denied
	X	Yeloushan, Kathleen	Granted



On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board meeting adjourned at 9:15 A.M. Ayes: 6. Nays: 0. Motion approved.