

Monday – November 17, 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 1:04 P.M. Other Board members present were: Linda M. Betzer, Pernel Jones, Sr., Ty D. Marsh, Roger Primm, Robert J. Wasko, and Pamela Williams-Briggs. Staff Members present were: Assistant Attorney General, Walter McNamara, Eric E. Anderson; 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. Wasko, seconded by Ms. Betzer, the Board approved, as amended, the minutes of the meeting held on October 20-21, 2008. Ayes: 7. Nay: 0. Motion approved.

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Executive Director's Report

Board Members reviewed the possible effects of House Bill 285 – First Time Paperwork Violations, a result of Executive Order 2008-04S – Implementing Common Sense Business Regulations.

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Board Members received a copy of the October 2, 2008 letter from Craig Tregillus, Funeral Rule Coordinator for the Federal Trade Commission, to the North Carolina Board of Funeral Service regarding crematories and the FTC Funeral Rule.

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Mr. Hadley and Mrs. Baugess monitored the Ohio Laws Examinations on October 29, 2008. Mr. Hadley received per diem and allowable travel expenses.

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The Board Office mailed Renewal Applications for calendar years 2009-2010 at the end of October, and the Board staff received its first batch of applications from the Chase lockbox on November 13.

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Inspectors Anderson and Lyme attended the John Reid Investigators' Training November 4 – 7 in Columbus.

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Board Staff participated in the Reverse Trade Fair sponsored by the Department of Administrative Services, Equal Opportunity Division, on November 5, 2008.

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Board Members were reminded to direct apprentices to the State of Ohio Website for current laws and rules.

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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 President and Secretary-Treasurer along with Ms. Cunningham and Mrs. Baugess will attend the International Conference of Funeral Service Examining Board [Conference] Annual Convention at Kingsmill Resort in Williamsburg, Virginia, February 25-26-27, 2009.



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.



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.



existing funeral home – change of ownership – effective January 1, 2009

On a motion by Mr. Wasko, seconded by Mr. Primm, the Board approved following application for funeral home license Ayes: 7. Nays: 0.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Maham FH Inc	Williamsburg	Clermont	11/16/07

new facility/new building – consideration & approval of paperwork

On a motion by Mr. Primm, seconded by Ms. Betzer, the Board approved following application for FH license pending receipt of occupancy permit and final inspection by Board. Ayes: 7. Nays: 0.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Megie & O’Madden FH	Owensville	Clermont

new facility/new building - requirements completed

On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board approved following application for funeral home license pending the final inspection. Ayes: 7. Nays: 0.

<u>Funeral Home</u>	<u>Location</u>	<u>Final inspection</u>
Walker FH	Queen City Ave Cincinnati	11 20/08



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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Ms. Cunningham explained that Michael P. Yannucci requested an inspection of his new facility for the Jamieson & Yannucci Funeral Home in Piqua. There was no change in ownership, and Mr. Yannucci had a new facility built at the same address as the existing facility, therefore the location did not change. The Board determined that there was no need for a new application. Secretary to inform Mr. Yannucci that he should remit the renewal application and fee for calendar years 2009-2010.

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Board Members received drafts of the Administrative Rules 4717-1-10, 4717-1-11, 4717-1-12 and 4717-1-13, requirements for licensure that include the new background check for initial applicants for embalmer and funeral director licenses. On a motion by Mr. Marsh, seconded by Mr. Primm, the Board approved the drafts, and directed the Board staff to proceed with the rule process. Ayes: 7. Nays: 0. Motion approved.

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

Person Before the Board

Juan C. Vasquez, reciprocal applicant from Kentucky, appeared before the Board to discuss his application. On a motion by Mr. Jones, seconded by Mr. Wasko, the Board approved Mr. Vasquez's application, and gave him permission to write the Ohio Laws Examination in January 2009. Ayes: 7. Nays: 0. Motion approved.

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Licensure [continued]

The Board reviewed a letter from William Wayne Roberts concerning part-time employment during an apprenticeship. The Board instructed Mrs. Clark to secure more information from Mr. Roberts, in particular; how would he define his work schedule, how many hours does he work at the EMS station, and how many hours does he spend on average for runs.

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There were no individuals eligible for embalmer and/or funeral director license numbers.

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

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD-0425	Johnson, Matthew M.	Toledo	10/07/08
FD-0426	Grubb, David E.	Hamilton	10/07/08
EMB-0285 FD-0427	Dutcher, Joan I.	Lexington	10/11/08
FD-0428	Stroup, Susan E.	Fairborn	10/30/08



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

<u>Certification</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Date</u>
FD-0424	Day, Alison H.	House of Day FS	Toledo	10/08/08
EMB-0279 FD-0417	Fortuna, Joseph A.	Fortuna FH	Independence	10/04/08
FD-0426	Grubb, David E.	Brown-Dawson	Hamilton	10/13/08
FD-0425	Johnson, Matthew M.	Walter Mortuary	Toledo	10/08/08
EMB-0281 FD-0419	Moore, Steven E.	Criss-Schoedinger	Newark	10/06/08



Reports submitted by apprentices during the month of October.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	79	142
Quarterly Master Reports	13	23
Board Interviews	3	5



The Board reviewed the results of the Ohio Laws Examinations, written October 29, 2008. On a motion by Mr. Jones, seconded by Mr. Primm, 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 applications 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 Examinations. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion approved. A list of applicants, their scores, and license numbers will be entered into the journal.



Mrs. Clark informed the Board that she contacted four states in an informal survey to inquire as to the workweek or hourly requirements for apprentices. While each state requires the same number of reports, there was no similarity in the hourly requirements. The Apprenticeship Guideline Committee will continue to gather information.



Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal indicating that the Board collected \$3,540.00 in October 2008 for a total of \$21,213.13 for Fiscal Year 2009. Also, the Board reviewed the

voucher journal of 21 vouchers and encumbrances for October, and the Budget Overview chart of allotments and expenses.



Committee Report

The Continuing Education Committee met before Board Meeting to review applications for approval of continuing education activities.

President Hadley scheduled the Apprenticeship Guidelines Committee to meet Tuesday, January 13 after Board Meeting.

The Board Members determined that the Crematory Review Board could meet to select the seventh member if there was a quorum. The Crematory Review Board is comprised of three members from the Board of Embalmers and Funeral Directors and three members from the Cemetery Dispute Resolution Commission, which does not have the third member at the current time.



Compliance - Inspectors' Reports

Inspector: Anderson	Board meeting: November 17-18, 2008		
Start date: October 12, 2008	End date: November 8, 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	2	0	38
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	15	0	288
Remaining to be inspected this FY	34	3	310
Violations this period	0	0	5
Apprentices Monitored this period	0		2
<u>Mileage</u>			
Mileage this report	2506		
Total FY mileage to-date	14222		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	1		
Bd office-hearing/meetings	10/20, 10/21		

Conferences/presentations	
Court	
Training	Reid 11/4-11/7
Leave	10/24



Inspector: Lyme	Board meeting: November 17-18, 2008		
Start date: October 12, 2008	End date: November 8, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	3	1	33
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	13	1	244
Remaining to be inspected this FY	36	2	330
Violations this period	0	0	0
Apprentices Monitored this period	0		2
<u>Mileage</u>			
Mileage this report	1,839		
Total FY mileage to-date	11,082		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	10/15,10/16		
Bd office-hearing/meetings	10/15,10/20,10/21		
Conferences/presentations			
Court			
Training	Reid 11/4-11/7		
leave			



Compliance

Mrs. Baugess reported that there are twenty-five (25) pending complaints, fifteen (15) charged complaints pending hearing, settlements or Board Order Compliance.



There was one forfeiture received by the Board, \$725 from James Acree, Jr. There were no hearings, but two are scheduled. The Hearing Officer submitted all Reports and Recommendations.



Mrs. Baugess reported that the language for the criminal background rule is ready for Board approval, and the Board staff is preparing new internal procedures and information for applicants.



Questions for the examination item bank are being evaluated and refined for the change to computer-based testing. The items will be returned to the Board for a final review.



Mrs. Baugess gave Board Members an updated copy of the compliance staff compliant procedures along with the website information available to consumers.



In October 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 000064	Miller FH	Brent Miller	AIC	Auglaize
FH 002493	Miller-Long & Folk FH	Daniel Griffin	MGR	Auglaize
FH 003026	Porter-Qualls FH	D. Kenney	ACI	Clark
FH 003026	Porter-Qualls FH	D. Kenney	MGR	Clark
FH 003037	George P Catavolos FH	George Catavolos	AIC	Cuyahoga
FH 002878	Burcham FH	Marion Burcham	AIC	Greene
FH 003038	Kevin F Jennings FH	Kevin Jennings	AIC	Logan
FH 002767	Keller-Ochs-Koch-Weerts	Kevin Miller	AIC	Sandusky
FH 002767	Keller-Ochs-Koch-Weerts	Kevin Miller	MGR	Sandusky
FH 002627	Anthony FH-McGowan Reid & Santos	Eric Anthony	MGR	Summit
FH 001064	Stewart & Calhoun	William Calhoun	AIC	Summit
FH 002779	Lane FH	Steven Gerberry	MGR	Trumbull



Compliance Motion No. 1

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board voted to close two [2] investigatory files because of no violation or jurisdiction and/or complaint settled by involved parties. Roll call vote: Betzer, Aye, Hadley, Aye; Jones, Abstain; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.



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 August 27, 2008 the charge against Willard R. Mills, Jr., McClave-Chandler-Mills Funeral Home [FH 001578] and McClave-Chandler-Mills Funeral Home [FH 000607], specifically for unprofessional conduct, a violation of Section 4717.04(A)(9)(c) of the Revised Code, and Administrative Rule 4717-1-25 for failing a file an annual preneed contract report for calendar year 2007. No objections to the Report and Recommendation were submitted for consideration prior to voting.

On a motion by Mr. Marsh, seconded by Mr. Jones, the Board approved the Hearing Officer's finding of facts. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Mr. Primm, seconded by Ms. Betzer, the Board approved the Hearing Officer's Conclusions of Law. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Mr. Wasko, seconded by Mr. Marsh, the Board approved the Hearing Officer's recommendation. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

#### Order of the Board

The Board permanently revoked embalmer license no. 7114, funeral director license no. 6359, funeral home license no. 1578 and funeral home license no 607 held by Willard R. Mills, Jr.



#### 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 August 27, 2008 the charge against Willard R. Mills, Jr., specifically for unprofessional conduct, a violation of Section 4717.14(A)(4) of the Revised Code, and Administrative Rule 4717-1-18 for failing to provide a written response to complaint no. 0805063 pertaining to the services for Donald B. Oxley, and for failing to provide serves as contracted by not forwarding the cremated remains to the cemetery in a timely manner. No objections to the Report and Recommendation were submitted for consideration prior to voting.

On a motion by Mr. Jones, seconded by Ms. Betzer, the Board approved the Hearing Officer's finding of facts. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board approved the Hearing Officer's Conclusions of Law. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Mr. Wasko, seconded by Mr. Primm, the Board approved the Hearing Officer's recommendation. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

Order of the Board

The Board permanently revoked embalmer license no. 7114 and funeral director license no. 6359 held by Willard R. Mills, Jr.



Compliance Motion No. 4

The following motions were made pursuant to the report and recommendation of Hearing Officer, Marc. E. Myers, on the hearing held August 27, 2008 the charge against Willard R. Mills, Jr., specifically for unprofessional conduct, a violation of Section 4717.14(A)(4) of the Revised Code, and Administrative Rule 4717-1-18 for failing to provide a written response to complaint no. 0811029 pertaining to the preneed arrangements of Helen Grimes. No objections to the Report and Recommendation were submitted for consideration prior to voting.

On a motion by Ms. Betzer, seconded by Mr. Jones, the Board approved the Hearing Officer's finding of facts. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Mr. Betzer, seconded by Mr. Marsh the Board approved the Hearing Officer's Conclusions of Law. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board approved the Hearing Officer's recommendation. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

Order of the Board

The Board permanently revoked embalmer license no. 7114 and funeral director license no. 6359 held by Willard R. Mills, Jr.



Compliance Motion No. 5

The following motions were made pursuant to the report and recommendation of Hearing Officer, Marc. E. Myers, on the hearing held August 27, 2008 the charge against Willard R. Mills, Jr. and McClave-Chandler-Mills Funeral Home [FH 001578] for unprofessional conduct, a violation of Section 4717.14(A)(4) of the Revised Code, and for failure to comply with the requirements of Section 1111.19 of the Revised Code. In addition, a charge for violation of Section 4717.14(A)(3) of the Revised Code as it incorporates Administrative Rule 4717-1-18(F), specifically for failing to properly deposit preneed funds within thirty days, for failing to deposit preneed funds with a trust or insurance, and for misappropriation of over thirty-two thousand dollars form the following consumers; Jane Lasson, Cora Pifer, Mary Lou Lewis, Walter Mason, Deloris Pennell, Fred Donaldson, Herbert Utzler, Virginia Jelea and Lena Meiczkowski. No objections to the Report and Recommendation were submitted for consideration prior to voting.

On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board approved the Hearing Officer's finding of facts. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board approved the Hearing Officer's Conclusions of Law. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board approved the Hearing Officer's recommendation. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

#### Order of the Board

The Board permanently revoked embalmer license no. 7114, funeral director license no. 6359, and funeral home license no. 001578 held by Willard R. Mills, Jr.

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#### Compliance Mail No. 1

The Board reviewed a letter from Ernie Marsteller concerning firm title. The Board accepted the change from "Keller-Ochs-Koch-Weerts" to "Keller-Ochs-Koch-Mason Funeral Home." Secretary to inform Mr. Marsteller that all signage and advertisement must reflect the new firm title.

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#### Compliance Mail No. 2

The Board reviewed a letter from Amy M. Bican concerning firm title. The Board accepted the change from "Bollinger-Catavolos Funeral Home" to "Bollinger-Bican Funeral Home." Secretary to inform Ms. Bican that all signage and advertisement must reflect the new firm title.

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#### Compliance Mail No. 3

The Board reviewed a letter from Andrew Kucner concerning firm title. The Board accepted the change from "Schmidt-Dhonau Galloway Funeral Home" to "Schmidt-Dhonau-Kucner Funeral Home." Secretary to inform Mr. Kucner that all signage and advertisement must reflect the new firm title.

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#### Compliance Mail No. 4

The Board reviewed a letter from Bill Hoekstra concerning firm title. The Board accepted the change from "McPeek Funeral Home" to "McPeek-Hoekstra Funeral Home." Secretary to inform Mr. Hoekstra that all signage and advertisement must reflect the new firm title.

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#### Compliance Mail No. 5

The Board reviewed a letter from Ronald R. Spicer and Bradford W. Crislip concerning firm title. The Board accepted the change from "Shorts Funeral Homes" to "Shorts-Spicer-Crislip Funeral Homes." Secretary to inform Mr. Spicer and Mr. Crislip that all signage and advertisement must reflect the new firm title.

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#### Compliance Mail No. 6

The Board reviewed a letter from Herrick M. Martin concerning the transferring human remains without payment. Mr. Martin described the common practice in which the receiving funeral home brings a payment for services rendered, and the receiving funeral home collects reimbursement from the consumer. Mr. Martin asked the Board to consider a legislative change that would place the responsibility for payment on the

receiving funeral home. The Board will examine possible solutions for this ongoing situation.



Compliance Issue No. 1

The Board Staff returned to the Board Members for clarification of the situations involving “Cremation Societies.” With the assistance of the Board Assistant Attorney General, the charge language will be corrected.



The Board meeting recessed at 4:15 P.M.



Tuesday – November 18, 2008

The Board reconvened at 8:05 A.M. in the Riffe Center in Columbus, Ohio. President John J. Hadley presided. Present were: Linda M. Betzer, Pernel Jones, Sr., 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.



Continuing Education

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

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board approved, and where indicated denied, the Prior Approval with Blanket approval continuing education programs, and individual continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Marsh, seconded by Mr. Jones, the Board approved, and where indicated denied, applications from individual licensees for approval of a continuing education program. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Marsh, seconded by Ms. Betzer, the Board approved the following exemption and/or waivers. Ayes: 7. Nays: 0. Motion approved.

Compliance Period 2006-2008

Waiver	Exemption	Licensee	Grant/denied
	X	Foster, Debra Ann	Granted

	X	Nopper, Charles F.	Granted
X		Fraley, Michael	Granted

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Compliance Period 2009 - 2010

Waiver	Exemption	Licensee	Grant/denied
X		Berman, Gary E	Granted

On a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board approved the following 50-year exemption. Ayes: 7. Nays: 0. Motion approved.

Date received	Licensee	License no.
09/15/08	John M. Busch	FD 005098

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On a motion by Mr. Wasko, seconded by Mr. Jones, the Board meeting adjourned at 8:45 A.M. Ayes: 7. Nays: 0. Motion approved.