

Monday – February 9, 2009

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 1:07 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, 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 January 12-13, 2009. Ayes: 7. Nay: 0. Motion approved.

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Executive Director's Report

Ms. Cunningham reminded Board Members to file their Financial Disclosure Statement for calendar year 2008 with the Ohio Ethics Commission.

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Board Members received a copy of Substitute Senate Bill 196 – Preneed, along with a copy of the Ohio Funeral Directors Association Preneed Compliance Manual. The Board's Preneed Committee will meet after the March meeting.

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Mr. Wasko and Mrs. Baugess monitored the Ohio Laws Examinations on Wednesday, January 28, 2009. Mr. Wasko received per diem and allowable travel expenses. Due to a winter storm, four applicants were unable to travel on January 28, and will write the Ohio Laws examination on Tuesday, February 10, 2009.

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Ms. Cunningham informed the Board Members that House Bill 1 – Budget FY2010-2011 contains new language that will affect all licensing boards and commissions. The Governor proposes to amend current language and group common functions and procedures under Central Service Agency in order to create efficiencies and accountability. The licensing boards deposit all funds in Fund 4K9, and in addition to the language changes, \$30 million dollars will be "swept" from the 4K9 Fund for use in the General Revenue Fund. The Governor's Office, along with Office of Budget and Management and Department of Administrative Services gathered a limited number of Executive Directors, including Ms. Cunningham, on February 27, 2009, to announce their plans. On February 29, 2009, all Executive Directors and Board Presidents met with the same officials, to discuss the changes with all Boards and Commissions. Mr. Hadley was paid per diem and allowable travel expenses. The actual language was not available at the time of this meeting.

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The Board received available information on the Budget proposal that will effect state employees. The proposal includes: pay reduction, furloughs, and an increase in the employee's share for dental, vision and life insurance. These proposals are part of the ongoing negotiations between the Government and the State Union.



Ms. Cunningham informed the Board that the “Petro Plan,” a proposal to consolidate all state agencies and which would place all licensing functions under one agency, was resurrected and will be proposed as a new bill before the legislature.



Board staff is processing late renewals, and did mail certified notices to those individuals and facilities that did not renew. On February 3, the Inspectors contacted twelve funeral homes that did not renew.



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 copies of the following: GeoPlace magazine – January 2009, “GPS locates Green Burial Sites;” Youngstown Vindicator – January 24, 2009, “A Simpler Form of Burial;” and Columbus Dispatch – January 20, 2009, “...Live over the Web.”



Licensure

On a motion by Mrs. Williams-Briggs, seconded by Mr. Wasko, the Board approved the following application for crematory facility. Ayes: 7. Nays: 0. Motion approved.

<u>Facility</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Ohio Funeral Support Svcs	Mt Vernon	Knox	11/24/08



There were no applications for crematory 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 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 Ms. Betzer, seconded by Mrs. Williams-Briggs, 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>
Tracy Brammer FH	Ironton	Lawrence	08/21/08

On a motion by Mr. Jones, seconded by Ms. Betzer, the Board approved the following applications for funeral home license pending receipt of occupancy permit and final inspection by Board. Ayes: 7. Nays: 0. Mrs. Williams-Briggs requested that minutes reflect that the law allows the issuance of these licenses.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Pfeifer FS	Lithopolis	Fairfield
Strawbridge Mem C	Cleveland	Cuyahoga

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There were no applications for a funeral home license to be issued 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.

License Issue No. 1

The Board reviewed a letter from Stephanie J. Zachrich concerning her apprenticeship. On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to allow Ms. Zachrich permission to serve her apprenticeship at Zachrich Funeral Home and if necessary, Wright-Hobbs Funeral Homes in order to secure the required number of services. Ayes: 7. Nays: 0. Motion approved.

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On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board issued embalmer and/or funeral director licenses to the following individuals having met the requirements of Chapter 4717. of the Revised Code. Ayes: 7. Nays: 0. Motion approved.

<u>License No.</u>	<u>Name</u>	<u>City</u>	<u>Effective</u>
EMB-9342 R FD-9344	Clarke, Warren E.	Cincinnati	02/09/09
EMB-9343 R FD-9345	DeCooman, Darrin J.	Middleburg Hts	02/09/09
EMB-9344 R FD-9346	Lewis, Megan S.	Willard	02/09/09
FD-9347	Pinnick, Mark W.	Kirkersville	02/09/09

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The following individuals were issued embalmer and/or funeral director registration numbers during the month of January 2009.

<u>Registration No</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD-0453	Chudzinski, Julie A	Fremont	01/06/09



The following individuals certified embalmer and/or funeral director apprenticeships during the month of January 2009.

<u>Certification</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Date</u>
EMB-0293 FD-0441	Gardner, Whitney L	Ripepi FH	Parma	01/05/09
EMB-0287 FD-0434	Swackhammer, Julie	McColaugh FH	Xenia	01/19/09
EMB-0301 FD-0449	Wayman, Ashley	Wappner FD	Mansfield	01/01/09



Reports submitted by apprentices during the month of January 2009.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	117	159
Quarterly Master Reports	19	26
Board Interviews	5	7



Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal indicating that the Board collected \$244,849.00 in January, for a total of \$907,991.65 for Fiscal Year 2009. Also, the Board reviewed the voucher journal of 41 vouchers and encumbrances for January, and the Budget Overview chart of allotments and expenses. Ms. Wright reported that she mailed 218 certified notices costing \$1,159.76 in postage.

On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board voted to forward the list to Vital Statistics who will deactivate the licenses in the Electronic Death Registration System. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Wasko, seconded by Mr. Primm, the Board voted to charge all licensees and facilities that failed to renew. After a discussion and motion by Mr. Wasko, seconded by Mr. Primm, the Board decided to table the motion until the March meeting. Ayes: 7. Nays: 0. Motion approved.



Committee Report

Ms. Betzer reported that the Apprenticeship Committee met and discussed various subjects; comparison with surrounding states, flex time, work hours, number of cases,

multi funeral homes, apprenticeship before or after mortuary college, and sharing apprentices.

The Continuing Education Committee met before Board Meeting to review applications for approval of continuing education activities, and Mr. Primm reported that there were numerous errors; no sample certificate of completion or program was not “open” to all licensees. These programs will be denied, and returned to the sponsors.



Compliance - Inspectors' Reports

Inspector: Anderson	Board meeting: February 9-10, 2009		
Start date: January 4, 2009	End date: January 31, 2009		
Facility	<u>Crematory</u> Facility	<u>Embalming</u> Facility	<u>Funeral</u> Home
Annual inspections this period	2	0	36
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	22	2	403
Remaining to be inspected this FY	27	1	195
Violations this period	0	0	7
Apprentices Monitored this period	0		2
Mileage			
Mileage this report	2,442		
Total FY mileage to-date	21,712		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	0		
Bd office-hearing/meetings	1/12, 1/13,1/26, 1/27		
Conferences/presentations			
Court			
Training			
Leave	12/29		



Inspector: Lyme	Board meeting: February 9-10, 2009		
Start date: January 4, 2009	End date: January 31, 2009		
Facility	<u>Crematory</u> Facility	<u>Embalming</u> Facility	<u>Funeral</u> Home
Annual inspections this period	6	0	41
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	27	3	362
Remaining to be inspected this FY	22	2	212
Violations this period	0	0	2
Apprentices Monitored this period	0		2
<u>Mileage</u>			
Mileage this report	1,338		
Total FY mileage to-date	15,603		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	0		
Bd office-hearing/meetings	1/12,1/13,1/23,1/26,1/27		
Conferences/presentations			
Court			
Training			
leave			



Compliance

Mrs. Baugess reported that there are nine pending complaints, twelve charged complaints pending hearing, settlements or Board Order Compliance, and conducted one hearing



There was one forfeiture received by the Board, \$1,000 from Storch-Braund Funeral Home. The Board conducted one hearing and seven hearings are to be scheduled. The Hearing Officer has one outstanding Reports and Recommendations.



Mrs. Baugess described the examination procedure held on January 28, 2009 in which each applicant took two separate parts of the examination generated by Pearson Vue. The Board staff will record the information on a grid provided Pearson Vue who in turn will analyze and weigh the items. The Board staff will adapt the current procedure used for Ohio candidates taking the Funeral Service Arts Examination.



Mrs. Baugess further explained the procedure for licenses that are not renewed, the certified notice, and deactivation of the license on Ohio's Electronic Death Registration System.



On February 20, Mr. Wasko, Inspector Anderson, and Mrs. Baugess will meet with Representative Mark Okey in Carrollton to talk with consumers who filed complaints regarding the transfer of their preneed contacts to a second funeral home.



In January 2009, the Board received the amendments to change the manager and/or the funeral director actually in charge of and ultimately responsible for the funeral homes listed below.

<u>License no.</u>	<u>Facility Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002237	Moore FH	Runck Charles	MGR	Clermont
FH000165	Wise FH	Wise David	AIC	Crawford
FH000165	Wise FH	Wise David	MGR	Crawford
FH002888	Craciun Berry FH	Craciun Marcel	MGR	Cuyahoga
FH003009	Garr And Stewart FH	Stewart Richard	MGR	Hamilton
FH002806	Jamison, Jamison & Brown	Milton Alfred	MGR	Hamilton
FH002908	Schmidt-Dhonau-Kucner	Boehmer Albert	MGR	Hamilton
FH002381	DeJohn-Flynn-Mylott FH	DeJohn Ross	AIC	Lake
FH002381	DeJohn-Flynn-Mylott FH	DeJohn Ross	MGR	Lake
FH002662	Jack Monreal FH	McGinness Thomas	AIC	Lake
FH002662	Jack Monreal FH	McGinness Thomas	MGR	Lake
FH002620	Lehman-Hogenkamp-Dzendzel	Dzendzel Steve	MGR	Mercer
FH001209	N J Hogenkamp Sons Inc	Hogenkamp Brian	AIC	Mercer
FH001209	N J Hogenkamp Sons Inc	Hogenkamp Brian	MGR	Mercer
FH001991	Bauer-Turner Inc	Turner Jeffrey	AIC	Monroe
FH001991	Bauer-Turner Inc	Turner Jeffrey	MGR	Monroe
FH002336	Showalter-Blackwell FH	Pierri Phillip	AIC	Preble
FH002336	Showalter-Blackwell FH	Pierri Phillip	MGR	Preble
FH002276	McCardell-White-McFarland	Baer James	AIC	Trumbull



Compliance Motion No. 1

On a motion by Mr. Marsh, seconded by Mr. Jones, the Board voted to close six investigatory files because of no violation or jurisdiction and/or complaint settled by

involved parties. Roll call vote: Betzer, Aye [with reluctance], Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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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 December 30, 2008, concerning the use of “Egan” in a funeral home title which was denied by the Board because Section 4717.11(B)(3) of the Revised Code requires that a funeral home shall be established and operated only under the name of a funeral director who is actually in charge of and ultimately responsible for the funeral home. There is no “Egan.” Objections to the Report and Recommendation were submitted for consideration prior to voting.

Motion by Ms. Betzer, seconded by Mr. Primm to approve the Hearing Officer’s Finding of Facts. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, present; Williams-Briggs, Aye.

Motion by Ms. Betzer, seconded by Mr. Primm to approve the Hearing Officer’s Conclusions of Law. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, present; Williams-Briggs, Aye.

Motion by Ms. Betzer, seconded by Mr. Primm to approve the Hearing Officer’s Recommendation. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, present; Williams-Briggs, Aye.

Board Order

The Board denied the application for funeral home license submitted with the firm title “Egan Ryan.”

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Compliance Motion No. 3

On a motion by Ms. Betzer, seconded by Mr. Primm, the Board voted to close three investigatory files and issue letters to cease and desist from frivolous complaints against other. Ayes: 7. Nays: 0. Motion approved.

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Compliance Motion No. 4

Assistant Attorney Walter McNamara addressed the Board concerning three complaints scheduled to go to hearing: American Cremation Services, All Ohio Cremation Service, and Oak Meadow Cremation Services.

On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board voted to allow the Assistant Attorney General to enter into negotiations for possible settlements to include cease and desist with fine. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Issue No. 1

The Board reviewed another email from Michel D. Kirkland in which he expressed displeasure with the Board. The Board Members determined that no response was necessary and the issue was resolved.

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Compliance Mail No. 1

The Board reviewed a letter from Frank Lewis concerning a firm title. The Board accepted the change from “Walter-Schoedinger Funeral Home” to “Walter & Smith Funeral Services.” Secretary to inform Mr. Lewis that all signage and advertisements must reflect the new firm title.

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Compliance Mail No. 2

The Board reviewed a letter from Nancy D. Murray concerning the Sibley-Murray Funeral Home and the death of the owner, Edward C. Murray. On a motion by Mr. Wasko, seconded by Mr. Jones, the Board approved the continued operation of the funeral home for twelve months until January 7, 2010 prior to that date a new application for funeral home license must be submitted and a license issued by the Board. Ayes: 7. Nays: 0. Motion approved.

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Compliance Mail No. 3

The Board reviewed a letter from Robert D. Mihovk concerning firm title. The Board accepted the change from “Nurre-Mihovk-Rosenacker Funeral Homes Inc.” to “Mihovk-Rosenacker Funeral Homes, Inc.” Secretary to inform Mr. Mihovk 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 David H. Beam concerning Marion G. Burcham and the Board’s continuing education audit. Secretary to inform Mr. Beam that Mr. Burcham is required to have eighteen hours of approved credit, or a waiver or an exemption.

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The Board meeting recessed at 4:19 P.M.

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Tuesday – February 10, 2009

The Board reconvened at 8:04 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, Walter McNamara, Jennifer Baugess, Eric E. Anderson, Michael T. Lyme, and Ann Cunningham. Barbara Hadley observed the Board meeting.

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Continuing Education

The following motions concerning the continuing education programs considered by the Board during the February 2009 meeting and appear in the Continuing Education Section of the Board's Website.

On a motion by Mr. Marsh, seconded by Mr. Jones, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Ms. Betzer, seconded by Mr. Marsh, 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 Mr. Marsh, seconded by Mr. Jones, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 7. Nays: 0. Motion approved.

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

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



On a motion by Mr. Marsh, seconded by Mr. Jones, the Board approved the following applications for waiver and exemption. Ayes: 7. Nays: 0. Motion approved.

Compliance Period 2006 - 2008

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Grant/denied</u>
	X	Hatterick, Thomas M	Granted
	X	Snively, Reta	Granted
	X	Souers, Nevin	Granted

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

<u>Date received</u>	<u>Licensee</u>	<u>License no.</u>
01/30/09	Turner, Ronald P	DUAL 005927



On a motion by Mr. Marsh, seconded by Mr. Wasko, the Board meeting adjourned at 8:35 A.M. Ayes: 7. Nays: 0. Motion approved.