

Monday – April 20, 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 1:14 P.M. Other Board members present were: Linda M. Betzer, Pernel Jones, Sr., Roger Primm, Robert J. Wasko, and Pamela Williams-Briggs. Staff Members present were: Assistant Attorney General, Walter McNamara, Eric E. Anderson, Inspector; Jennifer Baugess, Administrative Assistant; Linda Clark, Certification and Licensure Examiner, and Ann Cunningham, Executive Director.

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On a motion by Ms. Betzer, seconded by Mr. Jones, the Board approved, as amended, the minutes of the meeting held on March 15-16, 2009. Ayes: 6. Nay: 0. Motion approved.

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Executive Director's Report

Ms. Cunningham inquired and confirmed that all Board Members submitted their own Financial Disclosure Statement for Calendar year 2008.

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Mr. Hadley, Mr. Primm and Ms. Cunningham will take a two-hour class on Ethics in calendar year 2009, as required every two years.

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The State of Ohio conducts “open enrollment for health insurance” May 4 through May 17. Individuals are responsible for completing the online forms. All Board Members and Staff signed the Dependent Eligibility Confirmation Statement.

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Board Members received information on computer-based examinations and ADA accommodations.

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Ms. Cunningham informed the Board that individuals who are not citizens of the United State are required to have a Social Security number and proof that they are in the US legally.

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The Board received clarification that the effective date for the preneed section of Substitute Senate Bill 196 – Preneed, is July 6, 2009.

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Board Members reviewed House Bill 127, which would amend R.C. 4717.14 by removing felony & moral turpitude, and replace it with “criminal offense that is substantially related to the profession of embalming and funeral directing.”

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The Board reviewed a letter from Everest, Funeral Planning and Concierge Service along with a copy of a letter from Craig Tregillus, Funeral Rule Coordinator for the Federal Trade Commission concerning request for information from funeral homes. In addition, the Board received a copy of a letter from Scott Gilligan, Attorney for the National Funeral Directors Association relative to the situation as described by Everest.

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Board Members received a copy of 2009 budget for the International Conference of Funeral Service Examining Boards.

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On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board approved closing the Board office for “cost savings days” on Friday, November 27, Thursday,

December 24, and Thursday December 31. Individual employees select seven more days as “cost savings days” for a total of ten unpaid days during Fiscal Year 2009.

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On March 17, 2009, Mr. Primm, Mr. Wasko, Mrs. Baugess, and Ms. Cunningham attended the Ohio Funeral Directors Association Legislative Reception. Mr. Primm and Mr. Wasko received per diem and allowable travel expenses.

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On April 2, 2009, Mr. Wasko and Inspector Anderson spoke to the members of OFDA District #15. Mr. Wasko received per diem and allowable travel expenses.

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Inspector Lyme was at the National Certified Investigator/Inspector Training in Austin, Texas during the Board Meeting. Ms. Cunningham reported that CLEAR would not conduct the Specialized Inspector Training in Columbus this year due to lack of interest.

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On April 21, 2009, Ms. Cunningham will testify before the Senate Finance Committee for HB1 – Budget for Fiscal Years 2010 and 2011.

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The next Board meeting is scheduled for May 18-19, 2009. Ms. Betzer, Mrs. Clark, Inspector Anderson and Inspector Lyme will participate in the Master Training class on May 19, 2009. Board Members received the schedule for the Board’s booth at the OFDA Annual Convention on May 20, 21, and 22, 2009. Board Members will receive per diem and allowable travel expense.

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Ms. Cunningham informed the Board Members that the Board is undergoing its biennial audit at this time.

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Board Members received a press release “American Enterprise Group and Homesteaders Life Company discontinue merger discussions” and a New York Times article titled “The Funeral: Your Last Chance to be a Big Spender.”

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Licensure

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

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

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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.

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There were no applications for embalming facility license.

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

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



On a motion by Mr. Wasko, seconded by Mr. Primm, the Board approved following application for funeral home license Ayes: 6. Nays: 0.

<u>License no.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH003070	Briceland FS	Girard	Leasing
FH003071	Stombaugh-Batton FH	Carey	01/08/09



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



Previously, the Board approved the issuance of a funeral home license to the following after approval of the application, receipt of the occupancy permit and the final inspection. The funeral home license no. was issued the date of the final inspection.

<u>License No.</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Issue Date</u>
FH000342	Schlosser	Wapakoneta	11/24/08
FH003043	Brough-Getts	Miamisburg	12/15/08



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

License Issue No. 1

Amanda L. Jarrett, North Carolina, appeared before the Board as a reciprocal applicant. On a motion by Mr. Wasko, seconded by Mr. Primm, the Board voted to approve Ms. Jarrett’s applications, and allow her to take the Ohio Laws Exam. Ayes: 6. Nays: 0. Motion approved.



On a motion by Mr. Wasko, seconded by Mr. Jones, the Board issued embalmer and/or funeral director licenses to the following qualified applicants. Ayes: 6. Nays: 0. Motion approved.

<u>License No</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB-9345 FD-9348	Coffee, Gwendolyn M	Fremont	04/20/09
EMB-9346 FD-9349	Fackey, Kimberly K	Hamilton	04/20/09
EMB-9347 FD-9350	Fletcher, Jason J	Elmore	04/20/09
FD-9350	Roller, Brian J	Youngstown	04/20/09
EMB-9348 FD-9352	Vasquez, Juan C	Elsmere KY	04/20/09
EMB-9349 FD-9353	Vigliotti, John J Jr	Lowellville	04/20/09



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

<u>Registration No</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB-0306 FD-0460	Buirley, Kristopher M	Mansfield	03/26/09
FD00458	Hughes, Robert O	Cincinnati	03/03/09
EMB-0305 FD-0459	Wellman, Christopher	Circleville	03/13/09

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

<u>License No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Date</u>
EMB-0306 FD-0460	Buirley, Kristopher M	Wappner FDs	Mansfield	03/26/09
FD-0453	Chudzinski, Julie A	Keller-Ochs-Koch-Mason FH	Fremont	03/17/09
EMB-0291 FD-0439	DiNardo, Laura A	Adams-Mason Mem	Akron	03/02/09
FD-0458	Hughes, Robert O	Walker FH	Cincinnati	03/16/09
FD-0454	Lucas, Yolanda H	Lucas Mem C	Bedford Hts	03/12/09
EMB-0297 FD-0445	Pfaff, Timothy J	Brown-Dawson FH	Hamilton	03/01/09
EMB-0141 FD-0208	Roberts, William	Summers FH	WCH	03/30/09
EMB-0300 FD-0448	Warner, Jessica L.	Vernon FH	Mechanicsburg	03/30/09

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Reports submitted by apprentices during the month of March 2009.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	168	318
Quarterly Master Reports	28	53
Board Interviews	3	5

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Fiscal

Ms. Cunningham presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal indicating that the Board collected \$8,208.80 in March, for a total of \$975,515.45 for Fiscal Year 2009. Also, the Board reviewed the voucher journal of 56 vouchers and encumbrances for March, and the Budget Overview chart of allotments and expenses.

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The Board reviewed a letter from Larry C. Smith concerning penalty fees for late renewal. Secretary to inform Mr. Smith that there is no provision to waive fees, and the Board does not have the authority to waive late penalty fees for renewal.



The Board reviewed a letter from Darryl E. Harris, Sr. concerning penalty fees for late renewal. Secretary to inform Mr. Harris that there is no provision to waive fees, and the Board does not have the authority to waive late penalty fees for renewal.



Committee Report

The Preneed Committee met before the Board Meeting and discussed standardized contracts, POD accounts, Insurance and Trusts, Final Expense, and instances of no written contract.

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

Ms. Betzer reported that the Apprenticeship Committee plans to meet with representatives from the Cincinnati College of Mortuary Science and the Pittsburgh Institute.



Compliance - Inspectors' Reports

Inspector: Anderson	Board meeting: April 10-21, 2009		
Start date: March 15, 2009	End date: April 11, 2009		
Facility	<u>Crematory</u> Facility	<u>Embalming</u> Facility	<u>Funeral</u> Home
Annual inspections this period	6	1	43
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	33	3	523
Remaining to be inspected this FY	16	0	72
Violations this period	0	0	9
Apprentices Monitored this period	0		5
Mileage			
Mileage this report	3,135		
Total FY mileage to-date	28,834		
<u>Misc</u>	<u>Dates</u>		

Investigations this period	4
Bd office-hearing/meetings	3/16, 3/17, 3/30, 3/31
Conferences/presentations	4/2 – District 15 Meeting
Court	
Training	
Leave	



Inspector: Lyme	Board meeting: April 20-21, 2009		
Start date: March 15, 2009	End date: April 11, 2009		
Facility	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	3	0	46
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	37	1	485
Remaining to be inspected this FY	12	2	89
Violations this period	0	0	1
Apprentices Monitored this period	0		5
<u>Mileage</u>			
Mileage this report	2,160		
Total FY mileage to-date	21,271		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	1		
Bd office-hearing/meetings	3/16, 3/17, 3/30, 3/31		
Conferences/presentations			
Court			
Training			
Leave	3/24		



Compliance

Mrs. Baugess reported that there are twenty-six pending complaints, thirteen charged complaints pending hearing, settlements or Board Ordered Compliance.



The Board received seventeen forfeitures: American Cremation Service, Oak Meadow Cremation Services, All Ohio Cremation, Heyl Funeral Home, Wellman Funeral Home, Staley-Crowe Funeral Home, Eggleston Meinert Pavley Funeral Home, Lafferty Funeral Home, Belton-Stroup Funeral Home, Renfro Funeral Service, Witt, Good & Kelsch Funeral Home, Smith Mortuary, McVay-Perkins Funeral Home, Roger W. Davis Funeral Home, Chute-Wiley Funeral Home, Alexander Funeral Home, and Craver-Riggs Funeral Home. The Board conducted two hearings. The Hearing Officer has four outstanding Reports and Recommendations.



The Board staff is finishing instructions for computer-based examinations, and aims to begin offering the examination to applicants after April 30, 2009.



On April 9, 2009, the Board staff mailed seventy-two certified notices to funeral home that failed to submit the Preneed Annual Report for Calendar Year 2008. As of April 20, 2009, twenty-five funeral homes had failed to respond to the certified notice.



There were 318 continuing education audit mailed, and as of this meeting, five individuals failed to submit the required materials, however all five individuals did not renew their licenses.



In March 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 #</u>	<u>Funeral Home</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002878	Burcham	David Beam	AIC	Greene
FH002939	Ingling Williams FH	Traci Skeen	AIC	Clark
FH002940	Ingling Williams FH	Traci Skeen	AIC	Greene
FH002940	Ingling Williams FH	Heather Fraley	MGR	Greene
FH002942	Jackson Lytle Williams FH	Traci Skeen	AIC	Greene
FH002941	Jackson Lytle Williams FH	Traci Skeen	AIC	Clark
FH002626	Lane FH, Madasz C	Robert Dillon	MGR	Trumbull
FH001240	Mark A Schneider FH	Peter Waite	MGR	Crawford
FH001269	Schuster-Straker-O'Conner	Patrick O'Connor	AIC	Cuyahoga
FH000638	Spear-Mulqueeny FH	James Mulqueeny	AIC	Lake
FH000841	Swart FH	Brian Wolfe	AIC	Montgomery

FH000841	Swart FH	Brian Wolfe	MGR	Montgomery
FH002783	Walker FH	Herbert Walker	AIC	Hamilton
FH001927	Zak-Thacker & Monbarren	Donald Thacker	AIC	Wayne
FH001928	Zak-Thacker & Monbarren	Donald Thacker	AIC	Wayne

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Compliance Motion No. 1

On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to close one investigatory file because of no violation or jurisdiction and/or complaint settled by involved parties. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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Compliance Motion No. 2

On a motion by Mr. Wasko, seconded by Mr. Jones, the Board voted to rescind previous charges against Paul R. Young, Jr. and both Paul R. Young Funeral Homes for failing to renew by December 31, 2008 and filing death certificates and/or holding funeral services prior to renewing their licenses because the Board staff discovered an error with the lockbox process. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Mail No. 1

The Board reviewed a letter from John C. Ourant concerning operation of the funeral home after the death of William E. Ourant. On a motion by Mr. Wasko, seconded by Mr. Primm, the Board voted to allow the Ourant Funeral Home, Inc. to continue operating until March 29, 2010. Prior to March 29, 2010, a new application for funeral home license must be submitted and a new license issued. Ayes: 6. Nays: 0. Motion approved.

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Compliance Mail No. 2

The Board accepted notice from Raymond L. Beebe, Attorney, confirming the status of preneed funds held in trust.

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Compliance Mail No. 3

The Board reviewed a letter from Al Carson concerning distribution of fans for the Bowman Funeral Chapels in Dayton on which Mr. Carson is identified as “manager.” The Board Members requested the use of “Financial Manager” or “Office Manager.”

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Compliance Mail No. 4

The Board reviewed a letter from R. Scott Davis and Leichia D. Davis concerning the Board’s notice of failure to renew.

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Compliance Mail No. 5

The Board reviewed a letter from Ted S. Lawver concerning the penalty for late renewal. There is no provision and the Board has no jurisdiction to waive fees.

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Compliance Issue No. 1

The Board reviewed an article that appeared in the Circleville Herald describing a free service offered in Pickaway County.

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Compliance Issue No. 2

The Board reviewed preneed insurance/funeral goods and services contract materials. A funeral director who previously had been charged with allowing an unlicensed person to sell a preneed contract submitted the items. Allegedly, the funeral director was being pressured by the corporate owners to sign preneed contracts that he did not sell. The Board reiterated the earlier violations and warned against repeating the same offense.

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Compliance Issue No. 3

The Board reviewed a preneed situation in which the funeral home had deposited preneed funds into irrevocable savings accounts. The current owner was advised of the need to be transparent, and with consumer approval change the accounts into a proper funding vehicle for preneed.

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Board Members decided to change the September meeting to September 21-22, 2009, and the December meeting to December 21-22, 2009. All calendars and room reservations will be adjusted accordingly.

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The Board meeting recessed at 3:44 P.M.

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Tuesday – April 21, 2009

The Board reconvened at 8:00 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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Mrs. Williams-Briggs and Mr. Jones will represent the Board at the Buckeye State Funeral Directors and Embalmers Association Summer Convention and Seminar on June 20, 2009 in BelTerra, Indiana.

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Continuing Education

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

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

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

Compliance Period 2006 - 2008

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Grant/denied</u>
X		Carla L. Hodge	Granted
	X	James Saxton	Granted
	X	Paul Emil Quick	Granted
	X	Shannon Dotson	Granted
	X	Jim Hugh Thorn	Granted

Compliance Period 2009 - 2010

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Grant/denied</u>
	X	Christopher B. Fuller	Granted

On a motion by Mr. Primm, seconded by Ms. Betzer, 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>
05/15/09	William A. Swart	DUAL 006055
04/06/09	Paul Charles Nyland	DUAL 004734



On a motion by Mr. Wasko seconded by Mr. Marsh, the Board meeting adjourned at 8:42 A.M. Ayes: 7. Nays: 0. Motion approved.