

Monday – June 15, 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., Ty D. Marsh, Roger Primm, Robert J. Wasko, and Pamela Williams-Briggs. Staff Members present were: 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. Jones, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on May 18-19, 2009. Ayes: 7. Nay: 0. Motion approved.

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Executive Director's Report

Ms. Cunningham reported that Ms. Betzer, Mrs. Clark, Inspector Anderson and Inspector Lyme participated in the Master Training class held May 19, 2009, in conjunction with the OFDA. Ms. Betzer was paid per diem.

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It was reported that the Apprenticeship Committee met with Karen Giles, Cincinnati College of Mortuary Science and Gene Ogrodnik, Pittsburgh Institute of Mortuary Science on May 22, 2009, to discuss possible adjustments and improvements to the apprenticeship program. Both Ms. Giles and Mr. Ogrodnik will forward requested materials to the Committee.

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Ms. Cunningham reported that the following Board Members participated in the Ohio Funeral Directors Convention and were paid per diem and reimbursed for allowable travel expenses; Ms. Betzer [May 20-21-22], Mr. Hadley [May 20], Mr. Marsh [May 22], Mr. Primm [May 22], Mr. Wasko [May 20-21-22] and Mrs. Williams-Briggs [May 22].

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Mr. Hadley and Mr. Primm attended the required Ethics Training in Cleveland on June 5, 2009, and were paid per diem and reimbursed for allowable travel expenses.

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Mrs. Williams-Briggs and Mr. Jones are scheduled to attend the Buckeye State Funeral Directors and Embalmers Association convention in BelTerra, Indiana to represent the Board on June 20, 2009

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The Board confirmed meetings for calendar year 2010. During the same discussion the Board reaffirmed the blackout dates and closures dates for the purpose of the mandated Cost Savings Days.

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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.



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 after approval of the application, receipt of the occupancy permit, and the final inspection.



On a motion by Mr. Jones, seconded by Ms. Betzer, the Board approved following applications for funeral home license Ayes: 7. Nays: 0.

<u>License no.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH003078	Kevin M. Coyne FS	Cleveland	Leasing
FY003079	Staley-Crowe FH	Deerpark	01/22/09



There were no applications for funeral home 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 funeral home license 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.



On a motion by Mr. Wasko, seconded by Mr. Primm, the Board issued embalmer and/or funeral director licenses to the following qualified applicants. Ayes: 7. Nays: 0. Motion approved.

<u>License No</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD-9357	Ebright, Keith O	Pickerington	06/15/09
EMB-9351 A FD-9358	Fellers, Matthew L.	Brookville	06/15/09
EMB-9352 A FD-9359	Hurt, Cassie L.	Delaware	06/15/09
EMB-9353 A FD-9360	Mahall, Rebecca V.	N. Ridgeville	06/15/09
EMB-9354 A FD9361	Sharp, Daniel E.	Ironton	06/15/09
EMB-9355 A FD-9362	Sprankle, Joshua G.	Newark	06/15/09



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

<u>Registration No</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB-0307 FD-0465	Keesee, Amber R.	Toledo	05/18/09
EMB-0308 FD-0466	Holdcroft, Marian P.	Adamsville	05/28/09

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

<u>License No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Date</u>
FD-0461	Bentley, Jennifer L.	Cox FH	Beaver	05/06/09
EMB-0307 FD-0465	Keesee, Amber R.	Sujkowski FH	Toledo	05/20/09

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Reports submitted by apprentices during the month of May 2009.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	68	145
Quarterly Master Reports	11	24
Board Interviews	3	5

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Fiscal

Ms. Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal indicating that the Board collected \$10,781.00 in May, for a total of \$1,160,279.65 for Fiscal Year 2009. Also, the Board reviewed the voucher journal of 30 vouchers and encumbrances for May, and the Budget Overview chart of allotments and expenses.

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The Board Members discussed House Bill 1, the Budget for Fiscal Year 2010 and 2011. The unknown factors include; the final appropriation, Executive Order 2009-07S, and the proposed 30% Spending Reduction. Mr. Wasko reported that the Budget Bill has an additional amendment, which proposes to address the filing of the Board's annual preneed report, and the preneed report filed with the Cemetery Dispute Resolution Commission.

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Committee Report

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

The Apprenticeship Committee reported on a productive meeting with the mortuary science college presidents that was very productive. Ms. Betzer commended the master training class led by Don Ferfolia and Poul LeMasters, and suggested the class should be a requirement for all licensees.

Mr. Primm reported that the Preneed Committee met Mr. McNamara, to discuss the various mandates and possible rules. The idea of limiting the deposit of preneed funds to a qualified trust or insurance company will be explored.



Compliance - Inspectors' Reports

Inspector: Anderson	Board meeting: June 15-16, 2009		
Start date: May 10, 2009	End date: June 6, 2009		
Facility	<u>Crematory</u> Facility	<u>Embalming</u> Facility	<u>Funeral</u> Home
Annual inspections this period	7	1	51
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	46	3	635
Remaining to be inspected this FY	3	0	0
Violations this period	0	0	8
Apprentices Monitored this period	0		3
Mileage			
Mileage this report	2,760		
Total FY mileage to-date	347,99		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	1		
Bd office-hearing/meetings	5/18,5/19,6/1, 6/2		
Conferences/presentations	Belmont Co 5/14 OFDA Convention 5/20-22		
Court			
Training	Master Training 5/19		
Leave			



Inspector: Lyme	Board meeting: June 15-16, 2009		
Start date: May 10, 2009	End date: June 6, 2009		
Facility	<u>Crematory</u>	<u>Embalming</u>	<u>Funeral</u>

	Facility	Facility	Home
Annual inspections this period	4	0	23
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	46	1	532
Remaining to be inspected this FY	3	2	42
Violations this period	0	0	1
Apprentices Monitored this period	0		2
<u>Mileage</u>			
Mileage this report	1,678		
Total FY mileage to-date	24,541		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	5/12, 5/13, 5/26		
Bd office-hearing/meetings	5/18,5/19,6/1,6/2		
Conferences/presentations	OFDA Convention 5/20-22		
Court			
Training	Master Training 5/19		
Leave			

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

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There were no forfeitures.

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The Board has four hearings to be scheduled.

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The Hearing Officer is working on three Report and Recommendations.

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Mrs. Baugess mailed notices to consumers and funeral homes impacted by situation at the J. Jeffrey Fretti Funeral Home.

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In May 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>Facility</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002960	Craig M. Sheridan FH	Sheridan, Craig	AIC	Fairfield
FH002960	Craig M. Sheridan FH	Sheridan, Craig	MGR	Fairfield
FH002500	Kinsey FH	Pavley, Dennis	AIC	Cuyahoga
FH002500	Kinsey FH	Pavley, Dennis	MGR	Cuyahoga

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Compliance Motion No. 1

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

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Compliance Motion No. 2

At the request of the Board Office, an investigator from the Medical Board conducted an investigation of a complaint and after the Board Members reviewed the investigator's report, Mr. Wasko made a motion to close the complaint and Ms. Betzer seconded his motion. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Recused.

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Compliance Motion No. 3

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board voted to rescind previously issued charges against the Tredway Pollitt Funeral Home and Jeffrey S. Staver for violation of Administrative Rule 4717-1-31(A) for failure to retain all records relating to a preneed funeral contract or insurance policy for at least five years after satisfaction of the contract. The incident occurred prior to the effective date of the rule. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 4

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board voted to rescind previously issued charges against the Vito-Nero Funeral Home Funeral Home and Joseph Nero for violation of Administrative Rule 4717-1-31(A) for failure to retain all records relating to a preneed funeral contract or insurance policy for at least five years after satisfaction of the contract. The incident occurred prior to the effective date of the rule. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 5

On a motion by: Ms. Betzer, seconded by: Mr. Primm, the Board voted to charge Michael JKJ Smith and the Smith Mortuary with a violation of R.C. 4717.14 (A)(4) for unprofessional conduct; specifically for errors made relating to the funeral service of Mary M. Parks. Roll call vote: Betzer, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

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The Board meeting recessed at 4:05 P.M.

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Tuesday – June 16, 2009

The Board reconvened at 8:10 A.M. in the Riffe Center in Columbus, Ohio. President John J. Hadley presided. Present were: Pernel Jones, Sr., Ty D. Marsh, Roger Primm, Robert J. Wasko, Pamela Williams-Briggs, Assistant Attorney General, Walter McNamara, Jennifer Baugess, Eric E. Anderson, Michael T. Lyme, and Ann Cunningham. Ms. Betzer was not available. Barbara Hadley observed the Board meeting.

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Compliance [continued]

Compliance Motion No. 6

The Board reconsidered a previous-closed complaint at the request of the complainant, and after careful review decided that there was no violation. On a motion by Mrs. Williams-Briggs, seconded by: Mr. Wasko, the Board voted to close the complaint. Ayes: 6. Nays: 0. Motion approved.

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Compliance Issue No. 1

The Board Staff requested clarification of a previously reviewed complaint involving an insurance company that advertises under the funeral home section of the local telephone directory. The Board reiterated that a letter is to be sent to the insurance company advising that the insurance company is not a licensed funeral home and should not advertise under the funeral home section. The similar letter is to be sent to the telephone company that is responsible for publication of the directory.

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Compliance Issue No. 2

The Board discussed a situation in which the owner of the Cunningham Funeral Home failed to submit an amendment or application for funeral home license after the manager and funeral director actually in charge of and ultimately responsible for the funeral home left the funeral home. Secretary to send a letter informing the owner that the Board closed the funeral home, and reminds the owner to submit the display license and a clearly-enumerated list of all preneed.

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Compliance Mail No. 1

The Board reviewed a letter from Glenn M. Dumoulin requesting permission to operate for another twelve months. On a motion by Mr. Wasko, seconded by Mr. Jones, the Board voted to permit the Arnold-Lynch Funeral Home to continue operating until June 26, 2010. Before that date, the owners must submit a new application for funeral home license. Aye: 6. Nays: 0. Motion approved.

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Compliance Mail No. 2

The Board reviewed at letter from Jay D. Dodds, Vice-President & Chief Operating Officer for Carriage Services of Ohio, concerning firm title. The Board accepted the change from "Baker-Stevens Funeral Home" to Baker-Stevens-Parramore Funeral Home." Secretary to inform Mr. Dodds that all advertisements and signage must reflect the new firm title.

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Compliance Mail No. 3

The Board reviewed a letter from John R. Wanick, attorney for the estate of J. Jeffrey Fretti concerning the continued operation of the funeral home after the death of Mr.

Fretti. On a motion by Mr. Wasko, seconded by Mr. Primm, the Board voted to table the request. Ayes: 6. Nays: 0. Motion approved.



Ms. Cunningham presented the Board members with a copy of Administrative Rule 4717-1-14(N) which states “Upon successful completion of the apprenticeship, an apprentice may continue to serve under the direct supervision of a licensed funeral director or embalmer only until the date of the release of grades of the first examination for which the apprentice is eligible to sit.” The use of computer-based examinations changes the scenario and the Board’s Apprenticeship Committee will address the issue.



Continuing Education

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

On a motion by Mrs. Williams-Briggs, seconded by Mr. Wasko, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Wasko, seconded by Mr. Jones, the Board approved, and where indicated denied, the Prior Approval with Blanket approval continuing education programs, and individual continuing education programs. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Wasko, seconded by Mr. Jones, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Jones, seconded by Mrs. Williams-Briggs, the Board approved, and where indicated denied, the requests for individual approval of a continuing education program. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Jones, seconded by Mr. Wasko, the board approved the following exemption to the continuing education requirement. Ayes: 5. Nays: 0. Motion approved.

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
	X	Piper, Jr. Walter W	Granted.



President Hadley and the Board congratulated Mr. Jones on his service to the Board for ten years, and wished him a happy retirement.



On a motion by Mr. Jones, seconded by Mr. Wasko, the Board meeting adjourned at 9:18 A.M. Ayes: 5. Nays: 0. Motion approved.