

Monday – August 17, 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 1:00 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: 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.



On a motion by Mr. Primm, seconded by Ms. Betzer, the Board approved, as amended, the minutes of the meeting held on July 20-21, 2009. Ayes: 6. Nay: 0. Motion approved.



Executive Director’s Report

Ms. Cunningham reported that there were no Board appointments as of the meeting date.



Ms. Cunningham reported that Fiscal Year 2010 allotments of the budget appropriation were submitted as directed by the Office of Budget and Management. The budget shortfall will be discussed during the fiscal portion of the agenda.



Previously Board Members received the electronic version of the latest quarterly newsletter from the International Conference of Funeral Service Examining Board in Arkansas.



The Cemetery Dispute Resolution Commission in the Department of Commerce, Division of Real, announced three Board appointments, Joseph Kun, Diocese of Youngstown Cemeteries; Marilyn Brant, Lake View Cemetery Association; and David Shanteau, Rest Haven Memorial Park.



Board Members received an explanation of employee leave accrual as dictated by the Department of Administrative Services and actual usage beginning January 1, 2009.



Licensure

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



On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board approved one application for crematory facility license pending receipt of the occupancy permit and a final inspection by the Board. Ayes: 6. Nays: 0. Motion approved

<u>Crematory Facility</u>	<u>Location</u>	<u>County</u>
Ohio Vault Co	Valley View	Cuyahoga



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.

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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.

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On a motion by Ms. Betzer, seconded by Mr. Primm, the Board approved applications for funeral home license Ayes: 6 Nays: 0. Motion approved.

<u>License no.</u>	<u>Firm title</u>	<u>Location</u>	<u>Inspection</u>
FH003085	McClure-Schafer-Lankford	Marietta	01/30/09
FH003086	Strowder FH	Cleveland	leasing

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

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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>Firm title</u>	<u>Location</u>	<u>Issue date</u>
FH003083	Dovin-Reber Jones FH	Amherst	07/30/09
FH003084	Pfeifer FC	Lithopolis	08/06/09

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Reciprocal Applicants

David W. Deighton, Michigan, appeared before the Board to be interviewed as part of his application for reciprocity.

Patrick J. Sturgill, Sr., Virginia, appeared before the Board to be interviewed as part of his application for reciprocity

On a motion by Mr. Wasko, seconded by Mr. Marsh, both candidates for reciprocity were accepted and will be permitted to write the required examinations.

Appearance before the Board

Randy A. Williams appeared before the Board to request permission for an applicant to certify his embalmer apprenticeship at the Cincinnati College of Mortuary Science[CCMS], and the funeral director apprenticeship at a nearby funeral home. On a motion by Mr. Wasko, seconded by Mr. Primm, the Board approved the request to allow an apprentice to certify and serve the embalmer apprenticeship while employed as a lab assistant at CCMS. The question of who would certify this apprenticeship was called, and the response was that CCMS did not have an applicant at this time. Mr. Primm withdrew his second, and Mr. Wasko withdrew the motion. The Board determined that when an applicant was identified, the applicant should request permission to certify and serve the embalmer apprenticeship while employed at CCMS.

License Issue #4

The Board reviewed a letter from Jennifer S. Saxton concerning reinstatement of her embalmer and funeral director licenses. Secretary to inform Ms. Saxton that the examination and penalty fee are required by statute.

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

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On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board issued embalmer and/or funeral director licenses to qualified applicants. Ayes: 6. Nays: 0. Motion approved. [See attached list]

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There was no list of individuals who were issued embalmer and/or funeral director registration numbers during the month of July 2009.

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The Board reviewed a list of individuals who certified embalmer and/or funeral director apprenticeships during the month of July 2009. [See attached list]

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The Board reviewed a compilation of apprentice quarterly reports, master quarterly reports and Board apprentice interviews submitted during the month of July 2009. [See attached list]

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Fiscal

Ms. Wright reminded the Board that the new Fiscal Year began on July 1, with interim budgets, and she presented the fiscal portion of the Board meeting. The Board Members reviewed the revenue journal indicating that the Board collected \$5,276.27 in July, for a total of \$5,276.27 for Fiscal Year 2010. Also, the Board reviewed the journal of 31 vouchers and encumbrances for July, and the Budget Overview chart of allotments and expenses. In addition, Ms. Wright distributed an allotment sheet, minus the interim budgets, indicating the allotments for the remainder of the Fiscal Year and detailed background information on which the allotment was based. The \$74,255 reduction in the Board appropriation severely hinders the continued operation of the Board. The Board staff will prepare a Controlling Board request to restore the Board appropriation.

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On motion by Mr. Wasko, seconded by Ms. Betzer, the Board approved the personal service contract with Blaugrund, Herbert & Martin to serve as hearing officer for Fiscal Year 2010 in the amount of \$4,750.00 at the rate of \$95 per hour pending the availability of funds. Roll call vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. The Board reconsidered this contract because of additional information.

Committee Report

The Continuing Education Committee met before Board Meeting to review applications for approval of continuing education activities, and will make recommendations on Tuesday.

The Preened Committee reported that they are still working on Preened rules and policies.

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Inspector Anderson presented his monthly report for the period of July 19, 2009 to August 15, 2009 and the report is attached.

Inspector Lyme presented his monthly report for the period of July 19, 2009 to August 15, 2009 and the report is attached.

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Mrs. Baugess reported that there are twenty-three 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 five hearings to be scheduled.

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The Hearing Officer has one outstanding Report and Recommendation.

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In July 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>
FH003026	Porter-Qualls FH	Woody Wilson	MGR	Clark
FH002710	Vorhis & Ryan FH	Robert Plagge	MGR	Hamilton
FH002319	Edward J Fox & Sons	Christopher Engartner	AIC	Mahoning
FH002319	Edward J Fox & Sons	Christopher Engartner	MGR	Mahoning
FH002738	Parke & Son FH Inc	Reid Firestone	MGR	Medina
FH002781	Lane FH, Shafer-Winans	Barry Lamer	MGR	Trumbull

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Compliance Motion No. 1

On a motion by Ms. Betzer, seconded by Mr. Primm, the Board voted to close five 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.

Compliance Motion No.2

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board voted to rescind previous charges against Brett Cunningham and the Cunningham Funeral Service for failing to renew by December 31, 2008, and filing death certificates and/or holding funeral services prior to renewing the licenses. Mr. Cunningham is no longer employed at the Cunningham Funeral Service as of April 7, 2009. The owner, who is not a funeral director, failed to submit an amendment, or officially close the funeral home. After the June Board meeting, the Board informed the owner that the Board considers the funeral home closed. Roll call vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

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Compliance Motion No. 3

During the July 2009 Board Meeting, the following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers, on the hearing held March 24, 2009, concerning the denial of application for reciprocity submitted by Theodore J. Schleifer, III. No objections to the Report and Recommendation were submitted for consideration prior to the vote.

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

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

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

The motion failed for lack of concurrence of least four Board Members.

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board tables this agenda item until the August meeting. Motion unanimous.

On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board removed this agenda item from the table. Ayes: 6. Nays: 0. motion approved.

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

With deep regret ,Ms. Betzer offered a motion that was seconded by Mr. Primm, and the Board voted to approve the Hearing Officer's Recommendation to allow Mr. Theodore J. Schleifer, III to write the required examination and, if successful, submit the required application and fee for reciprocal licensure. Roll call vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.

The Board discussed the situation surrounding the reciprocal application and evidence of a felony, and the fact that the State of Pennsylvania restored Mr. Schleifer's license. It was with reluctance that the Board granted permission to write the examination.

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 March 13, 2009, concerning a violation for deceptive advertising by Frances L. Borkoski and the Borkoski Funeral Home, specifically for a website marketing the Ohio Valley Care Cremation Services which offered a funeral service and disposition of a dead human body when, in fact, Ohio Valley Care and Cremation Services has no legal authority to engage in the practice. No

objections to the Report and Recommendation were submitted for consideration prior to voting.

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

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

Board Order:

The Board issued a written reprimand to Frances L. Borkoski and the Borkoski Funeral Home.



Compliance Motion No. 5

On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board voted to charge Arthur L. Rogers and the A.L. Rogers Funeral Service, Inc. with violation of R.C. 4717.14(A)(5) for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing. Specifically, for allowing a person, who is not licensed as a funeral director, to serve the family of Jessie J. Gullatt by making funeral arrangements. Roll call vote: Betzer, Aye ; Hadley, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye, Williams-Briggs, Aye.



Compliance Issue No. 1

The Board reviewed a letter from Wendell C. Brogdon in which Mr. Brogdon requested reinstatement of his embalmer and his funeral directors licenses. Secretary to inform Mr. Brogdon that in view of the fact that his licenses were revoked on November 2, 2006, he is not eligible for reinstatement. Mr. Brogdon may apply for licensure provided he fulfills the requirements of R.C. 4717.05 and all applicable laws and rules.



Compliance Mail No. 1

The Board reviewed a letter from Jimmie Pendergraft suggesting a license for Assistant Funeral Director. Secretary to thank Mr. Pendergraft for the suggestion and explain that the Board has no statutory authority to grant such a license.



The Board meeting recessed at 3:50 P.M.



Tuesday – August 18, 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, Ty D. Marsh, Robert J. Wasko,

Pamela Williams-Briggs, Jennifer Baugess, Eric E. Anderson, Michael T. Lyme, and Ann Cunningham.



Continuing Education

The following motions involve the continuing education programs considered by the Board during the August 2009 meeting, and are posted on the Board's website under Continuing Education.

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 Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board approved, and where indicated denied, the Blanket continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board approved the following exemption. Ayes: 5. Nays:0. Motion approved.

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
	X	Martin, Herrick M.	Granted



On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board meeting adjourned at 8:20 A.M. Ayes: 5. Nays: 0. Motion approved.

Certifications

Apprenticeships Certified During The Month Of July 2009

License Number	Apprentice Name	Funeral Home	City	Effective Date
FD-0470	Loucka, Richard A.	Johnson-Romito FH	Bedford	07/01/09
EMB-0313 FD-0474	McLin, Christopher W.	McWilliams Funeral Home	Wellston	07/06/09
EMB-0314 FD-0476	Smith, Cassie	Newcomer Funeral Home	Kettering	07/13/09

Initial Licenses To Be Granted By Motion Of The Board - August 2009

License Number	Name	City	Effective Date
EMB-9363 A FD-9372	Bennett, Michele E.	Lorain	08/17/09
EMB-9364A FD-9373	Davis, Mary D.	Cincinnati	08/17/09
FD-9374	DiDonato, Danielle N.	Euclid	08/17/09
EMB-9365 A FD-9375	Snow, Stuart M.	Cincinnati	08/17/09
FD-9376	Thomas, Carol A.	Trotwood	08/17/09
EMB-9366 A FD-9377	Tiggs, Quintessa L.	Cleveland	08/17/09
EMB-9367 A FD-9378	Whaley, Brittany F.	Flatwoods Ky	08/17/09
FD-9379	White, Linda D.	Cleveland	08/17/09

Board Meeting: 17-Aug-2009

Fiscal Year 2010

Board Meeting	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FY
<i>Registrations</i>													<i>total</i>
embalmer	6	0											6
funeral director	10	0											10
total	16	0	0	0	0	0	0	0	0	0	0	0	16

<i>Certified Apprentices</i>													<i>total</i>
embalmer	5	2											7
funeral director	7	3											10
total	12	5	0	0	0	0	0	0	0	0	0	0	17

<i>Embalmer Apprentice Reports</i>													<i>total</i>
quarterly report	97	115											212
master report	16	19											35
Board Member interview	2	9											11
total	115	143	0	0	0	0	0	0	0	0	0	0	258

<i>Funeral Director apprentice reports</i>													<i>total</i>
quarterly report	246	206											452
master report	41	34											75
Board Member interview	7	15											22
total	294	255	0	0	0	0	0	0	0	0	0	0	549

<i>New Licenses Issued</i>													<i>total</i>
embalmer	7	5											12
funeral director	9	8											17
total	16	13	0	0	0	0	0	0	0	0	0	0	29

Figures represent actual number of documents received by Board Office in designated month.

Time period start: end: Board Meeting FY 2010

<i>Board Meeting</i>	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total	
mileage	4,327	2,263											6,590	
apprentices	1	2											3	
<i>Inspections - Annual</i>													<i>completed</i>	<i>remaining</i>
Crem Fac	48	6	2										8	40
Emb Fac	3	1	0										1	2
FH	611	81	42										123	488
Total	662	88	44	0	0	0	0	0	0	0	0	0	132	530
<i>Inspections - Follow-up</i>													<i>completed</i>	
Crem Fac	0												0	
Emb Fac	0												0	
FH	0												0	
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Inspections - New Facility</i>													<i>completed</i>	
Crem Fac	0												0	
Emb Fac	0												0	
FH	0												0	
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Investigations	5	3											8	
Violations	7	8											15	
Bd meetings	days	2											2	
Bd office	days	2											2	
Hearings	days	0											0	
Training	days	0											0	

There are twenty-six pay periods each Fiscal Year.

Inspectors submit one travel expense report every pay period [two weeks.]

This Inspector's report covers two 2-week expense report periods prior to Board Meeting.

Twice each Fiscal Year, the report covers three 2-week expense report periods.

Apprentices = number of apprentices the inspector talked with during a facility inspection.

Inspections - number of facilities inspected, number may include times when facility is not opened or no one is present.

Investigations = number of tasks; interviews with consumers/licenseses, procurement of court records/death certificates, meeting with other state/law enforcement agencies, etc.

Violations - number of violations noted on inspection reports.

Board meeting = number of days spent in Board Meeting.

Board Office = number of days spent in Board Office for AAG/Inspectors meetings, review of complaints, hearings, etc.

Training = number of days spent in class/training

Time period start: 7/19/2009 end: 8/15/2009 Board Meeting 17-Aug-2009 FY 2010

<i>Board Meeting</i>	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total	
mileage	3,041	2,303											5,344	
apprentices	1	1											2	
<i>Inspections - Annual</i>													<i>completed</i>	<i>remaining</i>
Crem Fac	50	2	1										3	47
Emb Fac	1	0	0										0	1
FH	560	51	35										86	474
Total	611	53	36	0	0	0	0	0	0	0	0	0	89	522
<i>Inspections - Follow-up</i>													<i>completed</i>	
Crem Fac	0												0	
Emb Fac	0												0	
FH	0												0	
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Inspections - New Facility</i>													<i>completed</i>	
Crem Fac	0												0	
Emb Fac	0												0	
FH	0												0	
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Investigations	4	5											9	
Violations	2	1											3	
Bd meetings	days	2	2										4	
Bd office	days	3	2										5	
Hearings	days	0											0	
Training	days	0											0	

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