

Monday – September 21, 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; Lena Wright, Administrative Assistant and Ann Cunningham, Executive Director.

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On a motion by Mr. Wasko, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on August 17-18, 2009. Ayes: 6. Nay: 0. Motion approved.

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Executive Director's Report

Ms. Cunningham introduced Cheryl R. Hawkinson, Assistant Attorney General, to the Board. Ms. Hawkinson works within the Executive Agencies Section of the Office of the Attorney General, and was recently assigned to the Board.

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Ms. Cunningham reported that the Director of Administrative Services plans to relocate the Central Service Agency [CSA] from the Riffe Center to the Rhodes Tower. Prior to 1977, the licensing Boards created CSA to process invoices and handle human resource matters. DAS/Office of Finance took control of CSA in the 1980s, but the Agency continued to serve the Boards in the essential areas of fiscal and personnel. The Boards are expressing concern that the relocation may cause an erosion of the "synergy" established by the different entities that utilize CSA, to cooperative on common office functions.

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October 1, 2009 is the start date for the new Travel and Expense module. The Board Inspectors and other staff members are responsible for their travel requests for approval and the actual expenditures. Ms. Wright will serve as proxy for the Board Members.

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On October 14, 2009, the Office of the Attorney General will provide the Regulatory Board Investigator Training Program at the Peace Officer's Training Academy in London. Mrs. Baugess, Inspector Anderson and Inspector Lyme are awaiting confirmation of their registrations.

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On October 15, 2009, Mrs. Baugess and Ms. Cunningham will represent the Board at the Ohio Funeral Directors Association's Apprentice Seminar.

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The letter from Mary Taylor, Auditor of State, will be discussed during the fiscal portion of the meeting.

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The Board staff is preparing various reports as mandated by the Ohio Revised Code and Executive Orders including but not limited to: OED MBE/Edge Report, OIT Report and the Pandemic Plan.

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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 license pending receipt of the occupancy permit and 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.

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There were no applications for funeral home license because of change of location or change of ownership.

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On a motion by Mr. Primm, seconded by Ms. Betzer, the Board approved the following application for funeral home license pending receipt of an occupancy permit and final inspection by the Board. Ayes: 6. Nays: 0. Motion approved.

Firm Title	Location	County
Werner-Gompf FS Ltd	Mansfield	Richland

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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.

License no.	Firm title	Location	Issue date
FH003087	Crosser FH	Elmore	08/25/09

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Ms. Cunningham reported on registrations, apprenticeships, and initial licenses to the Board.

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On a motion by Mr. Marsh, seconded by Ms. Betzer, 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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The Board received a list of individuals, who were issued embalmer and/or funeral director registration numbers during the month of July, 2009. [See attached list]

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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]



Licensure Issue No. 1

Ernest Marsteller appeared before the Board concerning his applications for reciprocal embalmer and funeral director license. On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board approved Mr. Marsteller's request to sit for the required examinations and proceed with the licensure process. Ayes: 6. Nays: 0. Motion approved.



Licensure Issue No. 2

The Board reviewed a letter from Alison Ingle concerning part-time employment during her apprenticeship. On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board approved Ms. Ingle's request provided she works no more than twenty [20] hours by per week during her apprenticeship. Ayes: 6. Nays: 0. Motion approved.



Fiscal

Mrs. Wright reported on fiscal matters. The Board Members reviewed the revenue journal which shows that the Board collected \$1,847 in August for a total of \$7,123.27 for Fiscal Year 2010. Also, the Board reviewed the journal of 33 vouchers and encumbrances for August, and the Budget Overview chart of allotments and expenses. In addition, Ms. Wright distributed updated information on reimbursement for the new Travel and Expense module.

Board Members reviewed a letter from Mary Taylor, Auditor of State in which Ms. Taylor states that sixty-seven agencies, including the Board, will be audited on an annual basis instead biennially, and that the agencies will be charged for the audits. Based on an average eighty-hour audit, The Board staff estimates that the cost could be approximately \$5,000 for each audit, which is not included in the Board's current appropriation.



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 Preeed Committee reported that they discussed issues with the newly-assigned Assistant Attorney General, including annual preneed report form, situations when deceased has no estate, how Medicaid is reimbursed, victims' fund, and President Hadley reminded Board of discussions to add a fee to burial transit permit. Mr. Marsh added that the Committee is identifying critical issues, documents, additional fees including a filing fee.



Compliance

Inspector Anderson presented his monthly report for the period of August 15, 2009 to September 12, 2009, and the report is attached.

Inspector Lyme presented his monthly report for the period of August 15, 2009 to September 12, 2009, and the report is attached.

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Mrs. Baugess reported that there are seventeen pending complaints, twelve 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 no outstanding Report and Recommendation.

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In August 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>
FH000106	Sweeney-Dodds Inc FH	Lester Dodds	MGR	Carroll
FH000106	Sweeney-Dodds Inc FH	Lester Dodds	AIC	Carroll
FH000407	Schoedinger FH	Michael Schoedinger	MGR	Franklin
FH000407	Schoedinger FH	Michael Schoedinger	AIC	Franklin
FH003027	Porter-Qualls FH	Barry Wickline	MGR	Greene
FH002773	Scott-Specht FH	Jessica Thompson	MGR	Guernsey
FH000611	Sweeney-Dodds Inc FH	Andrew Dodds	MGR	Jefferson
FH000611	Sweeney-Dodds Inc FH	Andrew Dodds	AIC	Jefferson
FH001684	Busch FH	John Shook	MGR	Lorain
FH003014	Gebhart-Schmidt-Parramore	Heather Specht	MGR	Montgomery

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Compliance Motion No. 1

On a motion by Mr. Wasko, seconded by Mr. Marsh, the Board voted to close thirteen 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.

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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 March 24, 2009, concerning misleading advertising by Erica Kiser and the Kiser Funeral Service, specifically for the advertisements for the Cremation Society of Toledo. No objections to the Reports and Recommendation were submitted for consideration prior to voting.

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

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

Order of the Board:

The Board ordered a written reprimand for funeral director license no. 9118 held by Erica Kiser, and funeral home license no. FH003025, the Kiser Funeral Service, Erica Kiser, funeral director actually in charge of and ultimately responsible for the funeral home.



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 December 9, 2008 and January 23, 2009 concerning unprofessional conduct by Deborah J. Weaver and the Walker Funeral Home; specifically, for errors relating to the funeral service of Mrs. Willie Jewel Bailey. No objections to the Report and Recommendation were submitted for consideration prior to voting.

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

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

Order of the Board.

The Board ordered a written reprimand for embalmer license no. 8818 and funeral director license no. 8652 held by Deborah J. Weaver and funeral home license no. FH002783 Walker Funeral Home, Deborah J. Weaver, funeral director actually in charge of and ultimately responsible for the funeral home.



Compliance Issue No. 2

At issue is a letter from a complainant concerning the closing of the complaint with no finding of a violation. The Board reconsidered the situation, and determined that there is no violation of Chapter 4717 of the Revised Code.



Compliance Issue No. 3.

Board Members were presented with three reoccurring issues that need clarification and written policies. President Hadley asked Board Members to consider the request, and be prepared for a discussion during the October meeting.

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Mr. Marsh left the Board meeting at this point.

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Compliance Mail No. 1

The Board reviewed a letter from Herrick M. Martin concerning his exemption from continuing education. On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board voted to remove the exemption because Mr. Martin has fulfilled the continuing education requirement and may practice as an embalmer and a funeral director. Ayes: 5. Nays: 0. Motion approved.

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Compliance Mail No. 2

The Board reviewed a letter from Charles M. Ware informing the Board that the Ware Funeral Home was changed to a limited liability company. Secretary to acknowledge receipt of the notice.

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The Board meeting recessed at 4:00 P.M.

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Tuesday – September 22, 2009

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, Ty D. Marsh, Roger Primm, Robert J. Wasko, Pamela Williams-Briggs, Jennifer Baugess, Eric E. Anderson, Michael T. Lyme, and Ann Cunningham.

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The Board discussed altering the meeting schedule to use the Board's time more efficiently and eliminate Sunday travel. The Board Members agreed to the following:

Monday	11:00 AM	Preneed Committee [work through lunch]
	1:00 PM	Board Meeting
Tuesday	8:00 AM	Continuing Education Committee
	9:00 AM	Board Meeting
	10:00 AM	Apprenticeship Committee [after Board adjournment]

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Continuing Education

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

On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board approved, and where indicated denied, the Prior with Blanket continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board approved, and where indicated denied, the Individual continuing education programs. Ayes: 6. 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: 6. Nays: 0. Motion approved.

There were no applications for waivers or exemption from the continuing education requirement.



On a motion by Mr. Wasko, seconded by Mr. Primm, the Board meeting adjourned at 8:46 A.M. Ayes: 6. Nays: 0. Motion approved.

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

License Number	Name	City	Effective Date
EMB-9368 R FD-9380	Deighton, David W.	Linden MI	09/21/09
FD-9381	Griswold, Robert W.	Shadyside	09/21/09
EMB-9369 A FD-9382	Mlac, Kathrine A.	Euclid	09/21/09
EMB-9370 A FD-9383	Panamarczuk, Susan M.	Struthers	09/21/09
FD-9384	Shoemaker, Steven K.	Tallmadge	09/21/09
EMB-9371 A FD-9385	Snyder, Brittany K.	Canton	09/21/09
EMB-9372 A FD-9386	Waite, Stephen J.	Painesville	09/21/09

The Following Individuals Were Issued Registration Numbers
During The Month of August '09

Registration Number	Name	City	Effective Date
FD 0478	Church, Samuel D.	Belpre	08/17/09
FD 0477	Myer, Lisa L.	Grove City	08/03/09
FD 0479	Miranda, Amy M.	Findlay	08/17/09
EMB 0315 FD 0480	Whyte, Maurice L.	Cincinnati	08/17/09

Certifications

Apprenticeships Certified During The Month Of August 2009

License Number	Apprentice Name	Funeral Home	City	Effective Date
EMB-0312 FD-0473	Ingle, Alison A.	Tobias Funeral Home	Dayton	08/03/09
FD-0477	Meyer, Lisa M.	Schoedinger-Margarum FS	Gahanna	08/04/09
FD-0479	Miranda, Amy M.	Routson Funeral Home	Findlay	08/26/09

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	2,879										9,469	
apprentices	1	2	5										8	
<i>Inspections - Annual</i>													<i>completed</i>	<i>remaining</i>
Crem Fac	48	6	2	2									10	38
Emb Fac	3	1	0	0									1	2
FH	611	81	42	42									165	446
Total	662	88	44	44	0	0	0	0	0	0	0	0	176	486
<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	9										17	
Violations	7	8	4										19	
Bd meetings	days	2		2									4	
Bd office	days	2		2									4	
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: 8/16/2009 end: 9/12/2009 Board Meeting 21-Sep-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	1,576										6,920	
apprentices	1	1	1										3	
<i>Inspections - Annual</i>													<i>completed</i>	<i>remaining</i>
Crem Fac	50	2	1	1									4	46
Emb Fac	1	0	0	0									0	1
FH	560	51	35	31									117	443
Total	611	53	36	32	0	0	0	0	0	0	0	0	121	490
<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		1										1	
Total	0	0	1	0	0	0	0	0	0	0	0	0	1	1
Investigations	4	5	5										14	
Violations	2	1											3	
Bd meetings	days	2	2	2									6	
Bd office	days	3	2	3									8	
Hearings	days	0											0	
Training	days	0											0	

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Training = number of days spent in class/training