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Thursday, June 26, 2003

A special meeting of the Board of Embalmers and Funeral Directors was held June 26, 2003, in the Boardroom on the 31st Floor of the Vern Riffe Center located in Columbus. President Pernel Jones, Sr. called the meeting to order at 1:00 P.M. Other Board members present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Robert L. Shank, David B. Tobias, and Kurtis A. Tunnell. Also present were: Kate Oklok, Assistant Attorney General, Frank J. Savage, Inspector, Charles H. Wisby, Inspector, and Ann Cunningham, Executive Director.

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On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board went into executive session pursuant to Section 121.22(G)(1) of the Revised Code, to consider complaints and possible disciplinary action against licensees, and Section 121.22(G)(3) of the Revised Code to conference with the Board's counsel to consider pending litigation. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

President Pernel Jones declared the Board out of executive session at 3:01 P.M.

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On a motion by Mr. Shank, seconded by Mr. Tunnell, the Board voted to charge the Sherrill-Harden Funeral Home with violation of Sections 4717.14(A)(3) and 4717.14(A)(4) of the Revised Code, for one or more of the following reasons:

1. On or about 4:00 P.M., June 19, 2003, the Board received a complaint that the funeral home contained six decomposing bodies which had not been properly disposed of.
2. On or about June 20, 2003, the Board, together with the Toledo Police Department, investigated the allegation and verified eight bodies were present in the funeral home and/or the funeral home garage which had not been properly disposed of.

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3. Mr. Harden admitted that he had knowledge of the presence of at least six of the eight bodies. None of which had been held in the funeral home for less than 2-1/2 months.

4. Failure to ensure proper final disposition of dead human bodies constitutes a potential health risk to the public. Failure to timely file death certificates constitutes a violation of Section 4717.14(A)(3) of the Revised Code. The condition and treatment of the aforementioned eight dead bodies and the acts and omissions set forth above constitute unprofessional conduct in violation of Section 4717.14(A)(4) of the Revised Code.

Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

On a motion by Mrs. Cheney, seconded by Mr. Hadley, the Board determined that the Sherrill-Harden Funeral Home's continued operation presented a danger of immediate and serious harm to the public, the Board further ordered that the license of the Sherrill-Harden Funeral Home be summarily suspended and funeral home cease embalming and funeral services.

Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

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Motion by Mr. Tobias, seconded by Mr. Tunnell, the Board voted to charge Henry Harden with violation of Sections 4717.14(A)(3) and 4717.14 (A)(4) of the Revised Code, for one or more of the following reasons:

1. On or about 4:00 P.M., June 19, 2003, the Board received a complaint that the funeral home contained six decomposing bodies which had not been properly disposed of.

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2. On or about June 20, 2003, the Board, together with the Toledo Police Department, investigated the allegation and verified eight bodies were present in the funeral home and/or the funeral home garage which had not been properly disposed of.
3. Mr. Harden admitted that he had knowledge of the presence of at least six of the eight bodies. None of which had been held in the funeral home for less than 2-1/2 months.
4. Failure to ensure proper final disposition of dead human bodies constitutes a potential health risk to the public. Failure to timely file death certificates constitutes a violation of Section 4717.14(A)(3) of the Revised Code. The condition and treatment of the aforementioned eight dead bodies and the acts and omissions set forth above constitute unprofessional conduct in violation of Section 4717.14(A)(4) of the Revised Code.

Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board determined that Henry Harden's continued practice presented a danger of immediate and serious harm to the public; the Board further ordered that the license of Henry Harden be summarily suspended and he cease the practice of funeral directing.

Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

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Motion by Mr. DeJohn, seconded by Mr. Shank, the Board voted to charge Sandra R. Harden with violation of Sections 4717.14(A)(3) and 4717.14 (A)(4) of the Revised Code, for one or more of the following reasons:

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1. On or about 4:00 P.M., June 19, 2003, the Board received a complaint that the funeral home contained six decomposing bodies which had not been properly disposed of.
2. On or about June 20, 2003, the Board, together with the Toledo Police Department, investigated the allegation and verified eight bodies were present in the funeral home and/or the funeral home garage which had not been properly disposed of.
3. Mrs. Harden is the manager and the funeral director actually in charge of and ultimately responsible for the Sherrill-Harden Funeral Home.
4. Failure to ensure proper final disposition of dead human bodies constitutes a potential health risk to the public. Failure to timely file death certificates constitutes a violation of Section 4717.14(A)(3) of the Revised Code. The condition and treatment of the aforementioned eight dead bodies and the acts and omissions set forth above constitute unprofessional conduct in violation of Section 4717.14(A)(4) of the Revised Code.

Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

On a motion by Mr. Tunnell, seconded by Mr. Tobias, the Board determined that Sandra R. Harden's continued practice presented a danger of immediate and serious harm to the public, the Board further ordered that the license of Sandra R. Harden be summarily suspended and she cease the practice of funeral directing.

Roll Call Vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.



President Jones reading the following statement to the media gathered in the room before adjourning the special meeting.

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Public Statement:

The Board first extends its condolences to the families whose loved ones' final dispositions have been affected by this situation. The Board today has acted within its authority to summarily suspend the funeral home license and the funeral directors' licenses of Mr. and Mrs. Harden. This means that pending the conclusion of the Board's charges neither the funeral home nor Mr. and Mrs. Harden can perform funeral services. After completion and signing of the Board's orders, copies will be available in the Board's offices on the 16th Floor. This is not a completed investigation, and the Board does not feel it would be appropriate to comment further at this time.