

Monday – July 21, 2008

The Board of Embalmers and Funeral Directors met in regular session in the Riffe Center at 77 South High Street in Columbus, Ohio. Pernel Jones, Sr., President, called the meeting to order at 1:07 P.M. Other Board members present were: Ross C. DeJohn, John J. Hadley, Ty D. Marsh, Roger Primm, and Robert J. Wasko. 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. Also present was Robert C. Carter.

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On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on June 16-17, 2008. Ayes: 6. Nays: 0. Motion approved.

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Reorganization

President Jones asked for nominations for Board Officers:

Mr. DeJohn nominated Mr. Hadley for President for Fiscal Year 2009, seconded by Mr. Wasko. Ayes: 6. Nays: 0. Motion approved.

Mr. DeJohn, nominated Mr. Primm for Vice-President for Fiscal Year 2009, seconded by Mr. Wasko. Ayes: 6. Nays: 0. Motion approved.

Mr. DeJohn, nominated Mr. Wasko for Secretary-Treasurer for Fiscal Year 2009, seconded by Mr. Primm. Ayes: 6. Nays: 0. Motion approved.

After thanking Mr. Jones for his year as president, Mr. Hadley assumed the Presidency at this point in the meeting. President Hadley announced that the committee assignments would stand until a new appointment is made by the Governor's Office, with one exception, Mr. Marsh would replace Mr. Wasko on the continuing education committee.

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Executive Director's Report

Ms. Cunningham asked for a Board Member to monitor the examinations on Wednesday, July 30. Mr. Jones will monitor the examinations along with Mrs. Baugess and Inspector Lyme.

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Ms. Cunningham asked for a Board Member to represent the Board at the Ohio Funeral Directors Association Apprentice Seminar on September 25. The Board staff may make the presentation if Mr. Primm or Mr. Wasko are unavailable.

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Mr. Marsh and Inspector Lyme will attend Ethics training on August 7, as required by Executive Order 2007-01S.

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Ms. Cunningham relayed news of the second Master Training Class to be held at the Cincinnati College of Mortuary Science on September 16. The Ohio Funeral Directors Association is the sponsor.

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Board Members received copies of the funeral facility inspection distribution analysis performed by DAS/OIT GIS Support Center. With two new inspectors, Ms. Cunningham

requested the analysis; the straight-line analysis depicts the facility count based on closest facilities, based on proposed counties and proposal to change two counties due to proximity. Ms. Cunningham selected the model that more or less divides the state in half as the most efficient division of inspector territories.



Board Members received a copy of a memorandum from Hugh Quill, Director of the Department of Administrative Services that explained the impact of Executive Order 2008-12S and Am. Sub. HB562 both of which include changes to laws affecting state procurement. The Administrator of the Central Service Agency is the Board's Procurement Officer.



Ms. Cunningham reiterated that Inspectors Anderson and Lyme would participate in the Crematory Operator Certification Program during Fiscal Year 2009.



Ms. Cunningham announced that Mrs. Baugess would present her research on converting the Ohio Laws Examination from paper to computer-based during the compliance portion of the Board meeting.



Board Members received copies of news articles from the Regulatory Support Services Inc. in Virginia, and a Newsweek Web Exclusive titled "A Serious Undertaking."



Board Member received a Memorandum from Scott Elisar, Deputy Legal Counsel for Governor Strickland concerning Boards and Commissions Attendance.



Licensure

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



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



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 to the following 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 the following applications for funeral home license. Ayes: 6. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Brown-Dawson FH	Hamilton	Butler	03/00/08

Brown-Dawson FH	Hamilton	Butler	03/10/08
Kiser FH	Genoa	Ottawa	Leasing
Porter-Qualls FH	Springfield	Clark	09/24/07
Porter-Qualls FH	Xenia	Greene	08/24/07
Shorac FH	Steubenville	Jefferson	05/08/08
Williams-Gregory-Martin	Steubenville	Jefferson	02/02/08

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On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board approved the following applications for Funeral Home license pending receipt of an occupancy permit and final inspection by the Board. Ayes: 6. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Dovin & Reber Jones FH	Amherst	Lorain
Charles Taylor Svc	Twinsburg	Summit

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There were no previously approved applications for the issuance of a funeral home license to the following after approval of the application, receipt of the occupancy permit, and the final inspection.

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

The Board reviewed a letter from Leslie Y. Davis questioning why the initial license is not prorated. The Board directed Mrs. Clark to inform Ms. Davis that there is no provisions in Section 4717 for prorating fees.

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

<u>License No.</u>	<u>Applicants</u>	<u>City</u>	<u>Date</u>
EMB-9312 A FD-9306	Dalzell, Elizabeth M.	Sylvania	07/21/08
FD-9307	Jenkins, Andrew J.	North Olmsted	07/21/08
FD-9308	Rybicki, Celeste M.	Garfield Hts	07/21/08

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The following individuals were issued embalmer and/or funeral director registration numbers during the months of June 2008.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD-0396	Thomas, Kelly L.	Rittman	06/19/08
FD-0397	Wilson, Kelly L.	Mechanicsburg	06/19/08
FD-0398	Billingsley, Gabrielle P.	Dayton	06/20/08
EMB-0266 FD-0399	Bailey, Michael L.	Dayton	06/26/08
EMB-0267 FD-0400	Heindel, Laura A.	Dayton	06/26/08
EMB-0268 FD-0401	Okorowski, Lori M.	Sidney	06/26/08
EMB-0269 FD-0402	Panamarczuk, Susan M.	Warren	06/26/08
EMB-0270 FD-0403	Sizemore, James S.	Mansfield	06/26/08
EMB-0271 FD-0404	Snow, Stuart M.	Dayton	06/26/08
EMB-0272 FD-0405	Snyder, Brittany K.	Beavercreek	06/26/08
EMB-0273 FD-0406	Horvath, Hillary N.	Bellaire	06/30/08



The following individuals certified an apprenticeship during the months of June 2008.

<u>Cert. No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Date</u>
EMB-0266 FD-0399	Bailey, Michael L.	Tobias FH	Dayton	06/30/08
FD-0394	Bayliff, Lauryn C.	Frings & Bayliff FH	Tipp City	06/20/08
EMB-0273 FD-0406	Glasser, Hillary N.	Bauknecht Altmeyer	Bellaire	06/30/08
EMB-0267 FD-0400	Heindel, Laura A.	Newcomer FH	Kettering	06/30/08
FD-7988	Morgan, Sherri L.	Morgan FH	Bremen	06/01/08
EMB-0269 FD-0402	Panamarczuk, Susan	Carl W. Hall FS	Warren	06/30/08
EMB-0270 FD-0403	Sizemore, James S.	Wappner FS	Mansfield	06/26/08
FD-0193	Slater, Amy L.	Sharer-Stirling-Skivolocke FH	Alliance	06/02/08
EMB-0271				

FD-0404	Snow, Stuart M.	Tobias FH	Dayton	06/26/08
EMB-0272 FD-0405	Snyder, Brittany K.	Tobias FH	Beavercreek	06/26/08
FD-0397	Wilson, Kelly L.	Skillman-McDonald- Vernon FH	Mechanicsburg	06/23/08
FD-0333	Zerhusen, Dianna	Gwen Mooney FH	Cincinnati	06/01/08

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Reports submitted by apprentices during the month of June.

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	148	277
Quarterly Master Reports	25	46
Board Interviews	3	8

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Person Before the Board

Robert C. Carter appeared before the Board to describe a recent situation involving a burial/transit permit to ship a deceased human body to an out-of-state crematory. Mr. Carter presented the Board Members with written documentation detailing the events and the difficulties he encountered. There was a discussion on how each Ohio county interprets the laws and rules of the Ohio Department of Health Vital Statistics Division in a different manner. While the Board has no jurisdiction, it is sympathetic to the situation, and will address Mr. Carter's concerns to the Ohio Department of Health Vital Statistics Division.

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Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal indicating that the Board collected \$8,144.17 in June 2008 for a total of \$88,114.68 for Fiscal Year 2008. Also, the Board reviewed the voucher journal of 21 vouchers and encumbrances for June, and the Budget Overview chart of allotments and expenses. There was an early cutoff for the end of Fiscal Year 2008, and Fiscal Year 2009 began July 1, 2008.

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Board Members received a copy of a memorandum from Quentin Potter, Chief Financial Officer for the Department of Administrative Services concerning Executive Order 2007-09S, Limits on the Purchase of Food and Meals. Referencing the Order, the purpose of the memorandum is to reinforce two areas; (1) the Order does not permit reimbursement to individuals or state agencies for lunches or dinners at certain events, and (2) the Order permits use of Federal funds only if there is specific authority.

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On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board approved the personal service contract with Blaugrund, Herbert & Martin, Inc. to act as hearing officer at the rate of \$95.00 per hour for a maximum of \$4,750.00 for Fiscal Year 2009, pending availability of funds. Ayes: 6. Nays: 0. Motion approved.

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On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board approved the personal service contract for education consultant, Donald Neff, at the rate of \$25.00 per hour for a maximum of \$1,000.00 for Fiscal Year 2009, pending availability of funds. Ayes: 6. Nays: 0. Motion approved.



Committee Report

The Continuing Education Committee met before lunch to review the applications for continuing education activity, and will make recommendations when the Board considers the applications.



Relative to SB 196-preneed, Ms. Cunningham announced that Mr. Marsh and Mr. Wasko will represent the Board at an interested party meeting scheduled for August 5.

Board Members reviewed a letter from T. Scott Gilligan, attorney for the Ohio Funeral Directors Association, in which OFDA proposes an amendment to Section 4171.07 of the Revised Code concerning reinstatement fees. Current law stipulates that a lapsed license penalty of fifty dollars per month for each license plus renewal fees up to one hundred eighty days. After July 1, the person with the lapsed license must pass the Ohio Laws Examination in addition to remitting lapsed license and renewal fees. OFDA proposes a five hundred dollar “cap” or maximum on the fees, and a “good cause” section, which would allow the Board to reduce or eliminate the lapsed license penalty.

On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board voted to leave the lapsed license fee language unchanged. Roll call vote: DeJohn, Aye; Hadley, Nay; Jones, Aye; Marsh, Nay; Primm, Nay; Wasko, Nay. The motion failed.

Board Members discussed the purpose of imposing a fee on individuals who fail to renew, and how when an individual fails to renew, the individual’s license is lapsed. The lapsed license fee is meant to encourage individuals to remit renewal fees before the deadline and not accrue lapsed license fees if the individual delays payment. Individuals facing high lapsed license fees have voluntarily chosen to give up their license usually to pursue another career.

The Board was supportive of a maximum or cap on the monetary penalty, but felt five hundred dollars per license was too low.

On a motion by Mr. Primm, seconded by Mr. Hadley, the Board voted to urge removal section (D) good cause because of potential problems with having such discretion and applying it consistently to differing fact patterns, and to place a cap of two thousand-five hundred dollar per license, total five thousand dollar cap for dual licenses, as opposed to a five hundred dollar cap. Roll call vote: DeJohn, abstain; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.



Compliance - Inspectors' Reports

Inspector: Anderson	Board meeting: July 21-22, 2008
Start date: June 8, 2008	End date: July 19, 2008

<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period			
Inspected 6 funeral homes out of territory	6	0	89
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	6	0	85
Remaining to be inspected this FY	43	3	513
Violations this period	0	0	22
Apprentices Monitored this period	0		4
<u>Mileage</u>			
Mileage this report	4,913		
Total FY mileage to-date	4,913		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	1		
Bd office-hearing/meetings	6/16, 6/17, 6/30, 7/1		
Conferences/presentations			
Court			
Leave			
Training	6/27 (2 hrs) 7/14, 7/15		

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Inspector: Lyme	Board meeting: July 21-22, 2008		
Start date: June 8, 2008	End date: July 19, 2008		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period			
Inspected 6 funeral homes out of territory	10	0	93
Total facilities as of July 1	49	0	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	10	0	93
Remaining to be inspected this FY	39	3	505
Violations this period	0	0	3
Apprentices Monitored this period	0		3
<u>Mileage</u>			
Mileage this report	2,550		
Total FY mileage to-date	2,550		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	1		
Bd office-hearing/meetings	6/16, 6/17, 6/30, 7/1		
Conferences/presentations			
Court			
Leave			
Training	In Board Office 6/9, 6/10, 6/11		

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Compliance

Mrs. Baugess reported that there are eleven (11) pending complaints, twenty-three (23) charged complaints pending hearing, settlements or Board Order Compliance.

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There were no forfeitures received by the Board. The Board conducted two hearings, and the Board office has one pending report and recommendation.

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Mrs. Baugess reported that the Assistant Attorney General is developing language for the fingerprinting requirement, and the Board Staff is determining the internal procedure for the same.

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Working in conjunction with the International Conference of Funeral Service Examining Board, Mrs. Baugess reported the results of her research into costs estimates and an explanation of the services for creating a computer-based Ohio Laws examination.

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Computer-based examination would accommodate qualified applicants with seven testing locations, currently used for the comprehensive examinations and National Board Examinations, and more than four scheduled dates. In addition, a computer-based examination would be more secure and conform to accepted-testing standards. On a motion by Mr. Wasko, seconded by Mr. Primm, the Board staff is to proceed with the creation of a computer-based examination. Ayes: 6. Nays: 0. Motion approved.

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In June 2008, the Board received the amendments to change the manager and/or the funeral director actually in charge of and ultimately responsible for the funeral home listed below.

<u>License No.</u>	<u>Facility Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH002817	Joseph Misencik FH	Greaney, William	MGR	Cuyahoga
FH002657	Karlo & Sons FH	Feucht, John	AIC	Stark
FH002021	Karlo-Feucht FH	Feucht, John	AIC	Stark
FH002265	Russell FS	Schrembeck, Fred	MGR	Trumbull

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Continuing education

The following motions concern the continuing education programs considered by the Board during the July 2008 meeting and appear in the Continuing Education Section of the Board's Website.

On a motion by Mr. Jones, seconded by Mr. Wasko, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 6. 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: 6. Nays: 0. Motion approved.

On a motion by Mr. Jones, seconded by Mr. Primm, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Wasko, seconded by Mr. Jones, the Board approved, and where indicated denied, the applications from individual licensees for approval of a continuing education program. Ayes: 6. Nays: 0. Motion approved.

There were no applications for exemption or waiver from the continuing education requirements for consideration by the Board.

There were no applications for 50-year exemption from the continuing education requirement for consideration by the Board

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The Board meeting recessed at 3:53 P.M.

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Tuesday – July 22, 2008

The Board reconvened at 8:07 A.M. in the Riffe Center in Columbus, Ohio. President John J. Hadley presided. Present were: Ross C. DeJohn, Pernel Jones, Sr., Roger Primm,

Ty D. Marsh, Robert J. Wasko, Eric E. Anderson, Michael T. Lyme Jennifer Baugess, and Ann Cunningham. Assistant Attorney General Walter McNamara was in attendance and Barbara Hadley observed the Board meeting.



On a motion by Mr. Hadley, seconded by Mr. Primm, the Board went into executive session pursuant to Section 121.22(G)(1) of the Revised code, and Section 121.22(G)(3) of the Revised Code to conference with the Board's counsel to consider pending litigation. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

The President declared the Board out of executive session, and there was no action to report.



On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board voted to close five (5) investigatory files. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

<u>Complaint No.</u>	<u>Date Received</u>	<u>Issue</u>
0803052	03/10/08	Delay in cremation
0811032	12/03/07	Funeral bill dispute
0805060	05/02/08	Unprofessional
0805068	05/27/08	Family given wrong items
0806071	06/18/08	Practicing on suspended license



Compliance Motion No. 2

On a motion by Mr. DeJohn, seconded by Mr. Wasko, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General and Michael A. Czup, relative to complaint no. 0809025 and complaint no. 0809017. The allegations related to advertising violation found in local telephone directories. Embalmer license no. 008559 and funeral director license no. 008315 held by Michael A. Czup are suspended for fourteen days beginning August 18, 2008. Funeral Home license no. FH002850 held by Michael A. Czup is suspended for thirty days beginning August 18, 2008. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

Compliance Motion No. 3

On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board voted to accept the settlement agreement negotiated by Walter McNamara, Assistant Attorney General, and T. Scott Gilligan, attorney for Schoedinger Funeral Choices, relative to complaint no. 0705124. Schoedinger Funeral Choices, license no. FH002859 located at 2741 Cleveland Avenue in Columbus, was charged with violation of Section 4717.04(A)(9)(g) of the Revised Code for misleading the public using false or deceptive advertising. Specifically for listing a funeral home, address and telephone number for a facility not licensed as a funeral home on website information, obituary and on at least one death

certificate. Schoedinger Funeral Choices agreed to remit a forfeiture of \$1,000.00. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye.

Compliance Mail No. 1

The Board reviewed a letter from Glenn M. Dumoulin, funeral director actually in charge of and ultimately responsible for the Arnold-Lynch Funeral Home in Massillon, informing the Board of the death of Wayne W. Arnold, and requesting permission to continue the operation of the funeral home. On a motion by Mr. Jones, seconded by Mr. Wasko, the Board approved by Dumoulin's request to continue the operation of the funeral home for twelve months until June 26, 2009. Mr. Dumoulin may request an additional twelve months but must submit an application for funeral home license before June 26, 2010. Ayes: 6. Nays: 0. Motion approved.

Compliance Mail No. 2

The Board reviewed a letter from Douglas B. Miller, Regional Vice President of Keystone America, informing the Board of a change of firm title. "Keller-Ochs-Koch Funeral Home" changed to "Keller-Ochs-Koch-Weerts Funeral Home." The Board accepted the firm title change, but advised Mr. Miller that the "Cremation Services" would not be included in the licensed firm title. Secretary to inform Mr. Miller that the funeral home may use "Cremation Services" in advertisement.

Compliance Mail No. 3

The Board reviewed a letter from Tad Cowling informing the Board that Cowling-Truman Funeral Home in Wellington Ohio closed and the location can not be used a funeral home for the next twenty-five years. Mrs. Baugess requested a clearly enumerated list of all preneed accounts.

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Mr. Wasko suggested the Board meeting in the Boardman area for the October 2008 Board Meeting. There was a discussion of logistics, and Ms. Cunningham reminded the Board Members that state agencies are currently under travel restrictions. Mr. Wasko will provide details to the Board Office and Ms. Cunningham will broach the proper authorities to determine if transferring the meeting location is allowable.

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On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board meeting adjourned at 9:00 A.M. Ayes: 6. Nays: 0. Motion approved.