

MINUTES

Wednesday, September 17-18, 2003

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. President John J Hadley called the meeting to order at 1:00 P.M. Other Board members present were: Virginia S. Cheney, Pernel Jones, Sr., Robert L. Shank, David B. Tobias, and Kurtis A. Tunnell. Also, present were: Anthony D. Siciliano, Assistant Attorney General, Frank J. Savage, Inspector, Charles H. Wisby, Inspector, and Ann Cunningham, Executive Director. Marie Lorz and Ray Lanier, members of the Funeral Consumer Alliance of Central Ohio were observers.

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On a motion by Mr. Shank, seconded by Mr. Jones, the minutes of the August 19-20, 2003 meeting were approved as amended. Ayes: 5. Nays: 0. Motion approved.

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Announcements

Ross DeJohn was reappointed to a five-year term on the Board.

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Mr. Hadley will represent the Board at the November 6, 2003, meeting of the Tri-County Funeral Directors in Columbiana County.

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Ms. Cunningham announced that the Central Service Agency is reclassifying the position that handles payroll and benefits.

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AAG Tony Siciliano will speak at the newly formatted Apprentice Seminar offered by the Ohio Funeral Directors Association on October 9, 2003. The Association has added speakers and topics to cover the FTC Funeral Rule, Death Certificates, Preneed, OSHA, and Veterans Administration.

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The Board members were informed that the Doubletree is processing their room reservations for calendar year 2004. Confirmation numbers will be forthcoming.

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Ms. Cunningham informed the Board that a special Board meeting is scheduled for Friday, September 26, 2003 to consider the Report and Recommendations in the Sherrill-Harden Funeral Home complaint.

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Unfinished Business

On a motion by Mr. Shank, seconded by Mr. Jones, the Board voted to take form the table, the letter of request from Jeffrey J. May requesting reinstatement of his embalmer and funeral directors licenses. Ayes: 5. Nays: 0. Motion approved.

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Mr. Tunnell joined the Board members at this point in the meeting.

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On a motion by Mr. Shank, seconded by Mrs. Cheney, the Board voted to allow Jeffrey J. May reinstate his licenses provided he fulfills the requirements of Section 4717.08 (C) of the Revised Code. Ayes: 6. Nays: 0. Motion approved.

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The Board members received a copy of a letter dated September 2, 2003 from Mary F. Carroll, Deputy Director of IT Governance Division of the Department of Administrative Services in response to the Board's request for approval of the Board's Request for Proposal (RFP) for third party administrator services for a continuing education program. After five months of waiting for an answer, the Board was directed to rewrite the RFP using the Division's language, before proceeding with the project.

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The Board members received a copy of the Report to Congressional Requesters titled "Death Care Industry, Regulation Varies across States and by Industry Segment" produced by the United State General Accounting Office.

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New Business

There were no applications for crematory facility license.

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There were no applications for crematory facility pending receipt of an occupancy permit.

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There were no applications for crematory facility license after approval of the application, receipt of the occupancy permit, and the final inspection

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M I N U T E S

On a motion by Mr. Tunnell, seconded by Mr. Tobias the Board approved the following applications for funeral home license. Ayes: 6. Nays: 0.

<u>Firm Title</u>	<u>Address</u>	<u>County</u>	<u>Inspection</u>
Brown Funeral Home Inc	Hicksville	Defiance	08/14/02
Moore Funeral Chapel	Maple Heights	Cuyahoga	05/18/03
Nichels & Andrade FH	Lakewood	Cuyahoga	03/10/03
Nunn Coleman-Bican FS	Cleveland	Cuyahoga	09/22/03
Charles W. Taylor FS	East Cleveland	Cuyahoga	07/24/03

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

<u>Firm Title</u>	<u>Address</u>	<u>County</u>
Chandler Funeral Home	Caldwell	Noble

There were no applications for funeral home license after approval of the application, receipt of the occupancy permit, and the final inspection.



The following funeral homes submitted an amendment to change the manager during the month of August 2003.

<u>I.D.#</u>	<u>Firm Title</u>	<u>Manager</u>	<u>County</u>
43-00-1948	Cunningham-Becker FH	Daniel P. Madden	Mahoning
43-00-2582	Kubina Yuhasz FH	Patrick M. Yuhasz	Mahoning
43-00-1339	Kubina Yuhasz FH	Michael J. Yuhasz	Mahoning
43-00-2460	Newcomer-Farley FH	Kelly Hord-McKee	Montgomery
43-00-2538	H H Birkenkamp FH	Jeffrey S. Miller	Lucas



There following funeral homes submitted amendments to change the funeral director actually in charge of and ultimately responsible for the funeral home for the month of August 2003.

<u>I.D.#</u>	<u>Firm Title</u>	<u>AIC/UR</u>	<u>County</u>
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43-00-2538	H. H. Birkenkamp FH	Jeffrey S. Miller	Lucas
43-00-2511	Hogenkamp-Straub FH	Carl Weber	Allen

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On a motion by Mr. Tobias, seconded by Mr. Jones, the following individuals having met the licensure requirements for embalmer and/or funeral directors, are issued licenses.

Yes: 6. Nays: 0. Motion approved.

<u>Applicant</u>	<u>Embalmer License #</u>	<u>Funeral director license #</u>
Ty Carpenter	9058 A	8959
Jeffrey Edwards	9059 A	8960
Aaron Esposito	9060 A	8961
Glynis HERN		8962
Vincent Johnson	9061 A	8963
Phillip Kirksey	9062 A	8964
Johnita Prince		8965
Vanessa Ross	9063 A	8966
Anthony Treboni		8967

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The following individuals qualified and were issued registration numbers during the month of August 2003:

<u>First Name</u>	<u>Last Name</u>	<u>Embalmer Registration #</u>	<u>Funeral Director Registration #</u>	<u>Date Registered</u>
Michael	Day II		F-0027 04	08/08/03
Kara	Hamilton	E-0021 04	F-0028 04	08/26/03

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The following individuals certified apprenticeships during the month of August 2003.

<u>Apprentice</u>	<u>Apprenticeship</u>	<u>Funeral Home</u>
Samuel Ciriello	FD	Dunn-Guigley-Ciriello & Carr FH 811 Grant St Akron Ohio 44311
Jeffrey Ferrara	FD	Ferrara Funeral Home 12200 Granger Rd Garfield Hts Ohio 44125
Kara Hamilton	Emb/FD	Paul R. Young FH 7345 Hamilton Ave Cincinnati Ohio 45231

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The Board was informed that the Board office received and processed the following reports during the month of August 2003:

Embalming Case Reports 60

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Embalming Master Reports	10
Embalmer Interviews	7
Funeral Director Progress Reports	120
Funeral Director Master Reports	20
Funeral Director Interviews	10

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In addition, the Board was presented with a list of all individuals currently serving an apprenticeship. The list contained name, funeral home address, and the dates of the apprenticeship.

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There were no news articles.

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Correspondence

1. A letter from Bernard P. Borowski, Jr. concerning the incorporation of the Borowski Memorial Home in Newton Falls. Secretary to inquire if there was a majority change in the ownership.
2. A letter from Charles W. Anderson concerning firm title. The Board approved the change from "Eaton Anderson & Unglesby Funeral Home" to "Anderson Funeral Home." Secretary to instruct Mr. Anderson that all signs and advertisements must reflect the new title. The Board's records will be amended.
3. A letter from Larry S. Glickler requesting permission to use an advertisement for "Affordable Cremation Service" a service offered by the Bradford-Connelly & Glickler Funeral Home. Secretary to stress that the advertisement is clear in that Affordable Cremation Service is not a funeral home or a crematory facility, but a service offered by the funeral home.
4. A letter from Michael E. Black concerning his examination for funeral director license. On a motion by Mr. Shank, seconded by Mr. Tunnell, the Board accepted Mr. Black's passing score on the Funeral Service Arts examination. Ayes: 6. Nays: 0. Motion approved.
5. A letter from Curt Hecker concerning the exemption from the continuing education requirement for individuals who are licensed for fifty or more years.

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Secretary to acknowledge receipt, and inform Mr. Hecker that he will be notified when the rule and procedure are in place

6. A letter from Robert Cisco concerning part-time employment during his embalmer apprenticeship. On a motion by Mr. Tunnell, seconded by Mr. Jones, the Board approved Mr. Cisco's request to work no more than twenty (20) hours a week as a part-time at Visions Manufacturing. Ayes: 6. Nays: 0. Motion approved.
7. A letter from Sean E. Berry requesting reinstatement of his lapsed funeral director's license. Secretary to forward the requirements of Section 4747.08 (C) of the Revised Code.
8. A letter from Carl J. Weber concerning firm title. The Board approved the change from "Hogenkamp Straub Funeral Home" to "Hogenkamp Weber Funeral Home." Secretary to instruct Mr. Weber that all signs and advertisements must reflect the new title. The Board's records will be amended..
9. A letter from John L Stroup concerning his master's refusal to sign this apprenticeship termination forms. On a motion by Mr. Shank, seconded by Mr. Tobias, the Board voted to accept an affidavit to verify completion of the apprenticeship. Ayes: 6. Nays: 0. Motion approved.
10. A letter from Ed Isenberger requesting removal of the exemption of the continuing education requirements. Secretary to provide Mr. Isenberger with the total hours



Persons before the Board

Dan Tobias, president and Steve Gehlert, Executive Director of the Ohio Funeral Directors Association, and John McGough appeared before the Board to request a blanket approval of the Associations' committee meetings. The Board felt that this was not the proper policy approach, and asked that the Association submit applications for approval of a continuing education program on an individual program bases when the meeting is considered educational.



Francis J. Facchine, II. reciprocal applicant from Pennsylvania, appeared before the Board to discuss his application for reciprocity. On a motion by Mr. Shank, seconded by

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Mr. Tobias, the Board approved his applications, and will allow Mr. Facchine to take the required examinations. Ayes: 6. Nays: 0. Motion approved.

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Stephen P. Leavitt, reciprocal applicant from West Virginia, appeared before the Board to discuss his application for reciprocity. On a motion by Mr. Jones, seconded by Mrs. Cheney, the Board approved his applications, and will allow Mr. Leavitt to take the required examinations. Ayes: 6. Nays: 0. Motion approved.

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At the request of the Executive Director, Pam Grandon of the Financial Institutions Division of the Department of Commerce, joined the Board members to discuss Section 1111.19 of the Revised Code, Preneed. There was an explanation and history of the preneed law and discussion.

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Inspectors' Reports

Inspector Savage reported that he drove 1,712 miles in the counties of Cuyahoga, Lake, Richland and Stark. He inspected no crematory facilities, 63 funeral homes, and found fifteen violations, conducted no investigations, and monitored two apprentices. Mr. Savage monitored examinations on July 29-30, 2003.

Inspector Wisby reported that he drove 2,707 miles in the counties of Franklin, Hamilton, Lucas, and Montgomery. He inspected 4 crematory facilities, and 40 funeral homes, and found six violations. He conducted four investigations and monitored three apprentices.

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On a motion by Mr. Tobias, seconded by Mr. Jones, 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; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye, Tunnell, Aye.

Mr. Tobias recused himself from the executive Session at 4:10 P.M.

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President Hadley declared the Board out of executive session at 4:15 P.M.

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On a motion by Mr. Shank, seconded by Mr. Tunnell, the Board voted to close four (4) investigatory files. Roll call vote: Cheney, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

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On a motion by: Mr. Tobias, seconded by: Mr. Jones to charge Michael A. Czup in complaint #0204083 with violation of Section 4717.14(A)(10) of the Revised Code, licensee mislead the public by using false or deceptive advertising, specifically for advertising the Czup Funeral Directors located at 3508 Lake Avenue in Ashtabula, Ohio, in the 2003 Alltel telephone directories for Ashtabula County, Ohio, white and yellow pages. This entity is not licensed as a funeral home in the state of Ohio. Roll call vote: Cheney, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

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On a motion by: Mrs. Cheney, seconded by Mr. Tunnell, to charge Major Jones with violation of Section 4717.14(A)(2) of the Revised Code, the licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude; and Section 4717.14(A)(4) of the Revised Code for unprofessional conduct, specifically the licensee was found guilty of Theft, a violation of Section 2913.02(A)(3) & (B)(2) of the Revised Code, a felony of the fourth degree. While employed by Tate Funeral Home, Mr. Jones stole in excess of \$66,000.00 from the funeral home. Roll call vote: Cheney, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

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On a motion by Mr. Tobias, seconded Mr. Shank, the Board voted to deny a request by John M. Ritondaro to reinstate his embalmer license number 5024 A and Funeral Director license number 4804 because on November 10, 1999 Mr. Ritondaro entered a plea of guilty to attempted corruption of a minor, in violation of Section 2923.02(A) and Section 2907.04(A) of the Revised Code, a felony of the fifth degree, and Mr. Ritondaro completed three years of community control on January 24, 2003. Section 4717.05 (A) (a) of the Revised Code mandates that all applications to meet the requirement that five years elapse since the applicant was released from community control. Roll call vote: Cheney, Aye; Hadley, Aye; Jones, Aye; Shank, Aye; Tobias, Aye; Tunnell, Aye.

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The Board recessed at 4:24 P.M.



Thursday, September 18, 2003

The Board reconvened at 8:14 A.M. at in the Board office. Vice-President David B. Tobias presided. Present were: Virginia S. Cheney, Pernel Jones, Sr., Robert L. Shank, Kurtis A. Tunnell, Inspector Frank J. Savage, Inspector Charles H. Wisby, Executive Director; and Executive Director, Ann Cunningham.

The Board members were given a copy of a summary of the General Accounting Office's report, which was prepared by the National Funeral Director Association.



Fiscal

The Board reviewed the revenue and voucher journals for August, the percentage of expenditures chart as of August, and a comparison of revenue and disbursements for August.



Continuing Education

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

Prior Approval

Date	Sponsor	Title	Hours
030725	REGSPT	Annual OSHA Training Pt Pleasant WV David E Partridge 804-784-7347 Blanket Approval thru 06-30-04	03
030822	BATES	Product Knowledge - Meaningful Memories Batesville IN Donald J Baechle, Jr. 800-622-8373 Blanket Approval thru 06-30-04	03
030826	STUART	Burial Vault Seminar Bremen OH John Boone, President 740-569-4158 Blanket Approval thru 06-30-04	02
030828	CENTRAL	Talking to Children & Teens About Death & Dying Dayton OH Joel Getts Blanket Approval thru 06-30-04	02
030903	REYNOLDS	Merchandising Metal Casket to 1/4 Casket Showroom Reynoldsville PA Lisa Bussard 814-653-9666 Blanket Approval thur 06-30-04	02

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030904	REYNOLDS	Merchandising Metal Casket to 1/4 Casket Showroom Reynoldsville PA Lisa Bussard 814-653-9666 Blanket Approval thru 06-30-04	02
030911	TRI-CO	Local Issues - Roundtable Discussion Concord OH Sam Ritondaro 440-285-9651	02
030918	COLUMBIA	Amish Funerals Lisbon OH Gregg Weber	02
030918	FIRELAND	What's New With The Triunes Milan OH David F Koch 419-626-1070	02
030920	UFD&EGC	The Body Has What? - MSRA Cincinnati OH Arlene J. Lawrence 513-241-6790	02
030924	TRI-CO	Recent changes and updates on Funeral Practices in the Roman Catholic Church Tiffin OH Richard J Traunero 419-447-3113	02
030925	CENTRAL	Growing to Become a More Effective Aftercare Provider - Seminar Dayton OH Joel L Getts, Administrator Blanket Approval thru 06-30-04	03
030929	CUYFDA	Ohio Death Certificate Changes Cleveland OH Tina Girod 216-481-3118	03
031002	LIFEBANC	LifeBanc Austintown OH Mark D. Lattimer BS LFD 216-721-5610 ext 1008	02
031007	GCFSA	The Codification of the Funeral Rule Norwood OH Jonathan Stuchell 513-231-5730	02
031009	CENTRAL	Healthy Relationships in the Workplace Miamisburg OH Joel L Getts	04
031016	OFDA #16	Infectious Diseases-Today's threats & precautions to be taken Canton OH Randall J. Sanders 330-484-2525	02
031019	NFDA	NFDA Annual Convention & Expo Las Vegas NV Sandra Jeske 262-789-1880	63
031020	FDANWO	Valuation of an Ownership Interest in a Funeral Business & Hospice Care ... Why Leave It To Luck Toledo OH Carter Neff 419-243-0129	02
031022	HOSPICE	End-of-Life Care: The Grassroots Approach Lancaster OH Kay Johnson, RN, CHPN 740-654-7077	07
031023	EAC	Embalmers Meeting - How to be a Successful Investor Cleveland OH Steven R. Shopp 440-842-0875	03
031023	LEAVITT	Living with Death Seminar Parkersburg WV Jon Leavitt 304-422-6459	03
031028	TURNER	Funeral Trivia Jeopardy Wauseon OH Lance Ray 419-662-9000	02
031104	CC&S	Bloodborne Pathogens - OSHA Compliance	04

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		Minerva OH David Viola 330868-5007	
031120	EAC	Embalmers Meeting - Death Certificates & Function of Office of Vital Statistics Cleveland OH Steven R. Shopp 440-842-0875	03
031209	GCFSA	A Look Inside the Organ & Tissue Donation Process Norwood OH Jonathan Stuchell 513-231-2730	02
040512	GMCFDA	Magnificence in Service Kettering OH Brian R James 937-252-3122	01

On a motion by Mr. Tunnell, seconded by Mr. Shank, the Board denied the following continuing education program because it was not open to all licensees. Ayes: 5. Nays: 0.

Blanket Approval:

Sponsor	Title	Hours
SCI	Managing for Excellence Stephen Libby 330-494-9644	denied

On a motion by Mr. Tunnell, seconded by Mr. Shank, the Board approved, and where indicated denied, the following continuing education programs. Ayes: 5. Nays: 0.

Individual Approval

Date	Licensee ID #	Program	Hours
020701	42-00-6439	October 2, 2003 Financial Statement-How to become a millionaire Columbus OH Roger A Bartley	10
031002	42-00-6871	October 2, 2003 Financial Statements/How to become a millionaire Columbus OH Catherine Viola	10
020701	42-00-7560	October 2, 2003 Financial Statements/How to become a millionaire Columbus OH David P Viola	10
020701	42-00-7596	November 5, 2003 Different Ways of Grieving - Different Ways of Healing Indianapolis IN Joel L Getts	07
020701	42-00-7755	October 10-12, 2003 DMort V Training Grand Rapids MI Kim Kinzer	08
020701	42-00-8353	August 13-16, 2003 CANA 85th Annual Convention Chicago IL Timothy C Francisco	10
020701	42-00-8810	October 21-27, 2003 Understanding & Responding to Complicated Mourning Ft Collins CO	15

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		Shari L Brindley	
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There were no waivers or exemption of continuing education to consider.



On a motion by Mrs. Cheney, seconded by Mr. Jones, the Board meeting adjourned at 8:58 A.M. Ayes: 6. Nays: 0.