

Monday – September 17, 2007

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center at 77 South High Street in Columbus, Ohio. Pernel Jones, President, called the meeting to order at 1:01 P.M. Other Board members present were: Ross C. DeJohn, John J. Hadley, Roger Primm, and Kurtis A. Tunnell. Also, present were: Walter J. McNamara Assistant Attorney General; Frank Savage, Inspector; Charles H. Wisby, Inspector; Jennifer Baugess, Administrative Assistant; Linda Clark, Certification and Licensure Examiner, Lena Wright, Administrative Assistant, and Ann Cunningham, Executive Director.

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On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved, as amended, the minutes of the meeting held on August 20-21, 2007. Ayes: 5. Nay: 0. Motion approved.

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Persons Before the Board

Todd Fowler, licensed embalmer, funeral director and financial planner, presented his viewpoint on preneed, funeral homes and insurance agents. Mr. Fowler recommended that the Board (1) enforce the interpretation of the Law. Protect the consumer is the number one rule, (2) increase random and unannounced audits of funeral homes preneed files, (3) mandatory disclosure to consumer that an insurance agent is an insurance agent, not a funeral director, (4) education, (5) establish an online registry of agents who are certified to offer preneed insurance.

Executive Director's Report

Assistant Attorney General Walter J. McNamara was introduced as the Board's new legal counsel.

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Board Members received a copy of the Attorney General Administrative Law Newsletter published by the Health and Human Services Section, Executive Agencies Section, and the Environmental and Education Sections of the Attorney General's Office. The newsletter is provided to raise awareness regarding developments in administrative law.

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The Governor's Office has not appointed one public member over sixty years of age or one Board member who is licensed as an embalmer and funeral director.

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Board Members were reminded of Section 3.17 of the Revised Code that any member of a board who fails to attend at least three-fifths of the regular and special meetings held by that board during any two-year period forfeits the member's position on the board. Also the Governor's Office requested two and one-half years of attendance records, which were provided by the Executive Director.

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Board Members; DeJohn, Hadley, Jones and Primm attended a two-hour ethics class on September 7, 2007, as required by Executive Order 2007-01S. The Members reported that there might be a small degree of additional flexibility for Board Members like themselves. Mr. McNamara will seek clarification the new ethics policy. Board Members will be paid per diem and reimbursed for allowable travel expenses.

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Board Members were reminded that the DAS Travel Rule allows a maximum reimbursement of eighty dollars plus tax on qualified hotel expenses.



Board Members had no comments on the OHElicensing Memorandum of Understanding between OHelicense system users and DAS.



Board Members reviewed the proposed meeting schedule for calendar year 2008, and designated specific meeting dates including conferences and conventions.



Ms. Cunningham queried the Board Members on a consumer’s procedural question: is it customary for a funeral home to make separate charges for facilities and staff for viewing/visitation and for the funeral ceremony? The Board responded that the items are listed separately on the General Price List.



Ms. Cunningham posed another scenario concerning a closed funeral home and the remaining preneed contract. Board Members recommended that the closing funeral home contact the consumers to inform them of the closing, and the need to transfer the preneed contracts to another funeral home by a specific date.



Licensure

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved the following applications for crematory facility. Aye: 5. Nays: 0. Motion approved.

<u>Crematory Facility</u>	<u>City</u>	<u>County</u>	<u>Inspection</u>
Tobias Crem	Beavercreek	Greene	08/24/07
S & S Crem	Napoleon	Henry	08/06/06



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



There were no crematory facility licenses issued after approval of the application, receipt of the occupancy permit, and the final inspection.



There were no applications for embalming facility license offered for the Board’s consideration.



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



There were no applications for embalming facility license to ratify after receipt of the occupancy permit and final inspection by the Board.



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved the following applications for funeral home license. Ayes: 5. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Sndyer FH	Holgate	Henry	08/16/06
Snyder-Wesche	Napoleon	Henry	08/08/06
Thompson-Meeker FH	West Union	Adams	05/17/07
Tobias FH	Beavercreek	Greene	08/24/07

Tobias FH	Englewood	Montgomery	03/22/07
Tobias FH	Dayton	Montgomery	02/23/07
Tobias FH	Dayton	Montgomery	04/19/07
Walker Mortuary	Napoleon	Henry	08/15/06

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

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There were no previously approved applications for funeral home license that submitted an occupancy permit, and had a final inspection.

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

Reciprocal Applicant

Gary D. Best of North Carolina appeared before the Board to discuss his applications for embalmer license and funeral director license. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to accept Mr. Best's applications and permit him to write the Ohio Laws examination. Ayes: 5. Nays: 0. Motion approved.

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License Issue No. 2

The Board reviewed a letter from Dr. David A. Yeropoli, COL, U.S. Army Medical Corp., Ret., concerning reinstatement of his embalmer and funeral director licenses. Mrs. Clark will research the situation to determine if Dr. Yeropoli's military service qualified him to be exempt from renewal and continuing education.

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License Issue No. 3

The Board reviewed a letter from Rebecca Spears requesting reconsideration of the Board's decision on her reinstatement. The Board denied Ms. Spears' request. Secretary to inform Ms. Spears that Section 4717.08 ( C ) of the Revised Code states "A holder of a lapsed embalmer's or funeral director's license may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code, except that if the license is lapsed for more than one hundred eighty days after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement."

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License Issue No. 4

The Board reviewed a letter from Mariel M. Matheus requesting reinstatement of her licenses. The Board approved her request, and directed the Secretary to notify Ms. Matheus of the next examination and the amount of late penalties.

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License Issue No. 5

The Board reviewed a letter from Roger K. Cotts requesting reinstatement of his embalmer license. On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to approve Mr. Cotts request. Ayes: 5. Nays: 0. Motion approved. Secretary to notify Ms. Cotts of the next examination and the amount of late penalties.

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License Issue No. 5

The Board reviewed a letter from Thomas G. Sims requesting reinstatement of his embalmer and funeral director licenses. On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to approve Mr. Sims' request. Ayes: 5. Nays: 0. Motion approved. Secretary to notify Ms. Cotts of the next examination and the amount of late penalties.



On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to issue embalmer and/or funeral director licenses to the following qualified applicants. Ayes: 5. Nays: 0. Motion approved.

<u>License No.</u>		<u>Applicant</u>	<u>Location</u>
EMB 9256 R	FD 9242	Aubry, Terri L	Olmsted Falls
EMB 9257 A	FD 9243	Baker, Dustin P.	Newark
EMB 9258 A	FD 9245	Fouse-Harris, Cortney	Canton
EMB 9259 A	FD 9246	Gillum, David A.	Jackson
EMB 9260 A	FD 9247	Hartings, Lauren E.B.	Beavercreek
EMB 9261 A	FD 9248	Hartmann, Jeffrey L.	Cincinnati
EMB 9262 A	FD 9249	Hine, Chad C.	Painesville
EMB 9263 A	FD 9250	Hodapp, John W. III	West Chester
EMB 9264 R	FD 9251	Kirby, Richard E.	Ottawa Lake MI
EMB 9265 R	FD 9252	Lipscomb, Brady K.	Huntington WV
EMB 9266 A	FD 9253	Milia, Matthew S.	Akron
EMB 9267 A	FD 9254	Mullen, Andrew J.	Cincinnati
EMB 9268 A	FD 9255	Pastore, Jean M.	Wellsville
EMB 9269 A	FD 9256	Ponn, Bobbie J.	Newark
EMB 9270 R	FD 9257	Sauer, Sean M	Lancaster
EMB 9271 A	FD 9258	Schnell, Mark S. Jr.	Amelia
EMB 9272 A	FD 9259	Smith, Frank E.	Lancaster
EMB 9273 A	FD 9260	Smith, William L.	Reynoldsburg
EMB 9274 A	FD 9261	Snyder, Sean W.	Bellville
	FD 9262	Strawbridge, Stephanie	Cleveland
EMB 9275 R		Taylor, Matthew K.	Cincinnati
EMB 9276 R.	FD 9263	Wiley, Russell D.	Springfield
EMB 9277 R.	FD 9264	Wise, Tamisha N.	Wheatland PA



The following individual were issued embalmer and/or funeral director registration numbers during the month of August 2007.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
FD 0333	Zerhusen, Dianna C.	Taylor Mill KY	08/06/07
FD 0334	Brown, Rosetta R.	Columbus	08/15/07
FD 0335	McCall, Edward Jr.	Cincinnati	08/15/07
FD 0336	Hall-Diaz, Lori	Columbus	08/31/07
FD 0337	White, Demeatres O.	Cincinnati	08/31/07



The following individual certified an apprenticeship during the month of August 2007.

<u>Certification</u>	<u>Name</u>	<u>Funeral home</u>	<u>City</u>	<u>Date</u>
FD 0164	Bennett, Michele E.	Busch FH	Elyria	08/20/07
FD 0330	Griswold, Robert W	Wilson FH	Bridgeport	08/01/07
FD 0335	McCall, Edward J Jr	Donald & Stewart Inc.	Cincinnati	08/20/07
EMB 0228 FD 0332	Spinnati, Bret J.	E. C. Nurre FH	Amelia	08/01/07



The Board office received and processed the following reports during the month of August 2007:

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	30	95
Quarterly Master Reports	5	16
Board Interviews	2	4



Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal with a balance as of \$12,365.55 as of the end of August 2007. Also, the Board reviewed the voucher journal with 47 vouchers and encumbrances for August, and a Budget Overview chart of allotments and expenses. The staff expressed dismay at the lack of reports currently available in the OAKS system. The Board agreed with the Staff's assessment, and directed the Board to document the situation for future audits.

Ms. Wright reported that the 2007 Preneed Newsletter was mailed on August 28, 2007. A total of 4,312 letters cost \$1,440.21 in postage, but the printing costs were unavailable.

Board Members received a copy of FY 2007 Board Report Response Form completed and delivered to the Ohio Legislative Service Commission.



Inspectors' Reports

Inspector: WISBY	Board meeting: September 2007		
Start date: August 19, 2007	End date: September 15, 2007		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	4	0	67
Total facilities as of July 1	49	2	555
New facilities added after July 1	0	0	4
Facilities closed after July 1	0	0	7
Adjusted total	49	2	552
Annual inspections to-date	9	2	130

Remaining to be inspected this FY	40	2	422
Violations this period			2
Apprentices Monitored this period	2		
<u>Mileage</u>			
Mileage this report	3503		
Total FY mileage to-date	8472		
<u>Misc</u>	<u>Dates</u>		
Investigations this period	3		
Bd office-hearing/meetings	8/21, 8/29, 8/30		
Conferences/presentations	0		
Court	0		
Leave	8/31,9/13		
Training	0		



Inspector: SAVAGE	Board meeting: September 2007		
Start date: August 19, 2007	End date: September 15, 2007		
<u>Facility</u>	<u>Crematory Facility</u>	<u>Embalming Facility</u>	<u>Funeral Home</u>
Annual inspections this period	9	0	63
Total facilities as of July 1	37	2	556
New facilities added after July 1	0	0	5
Facilities closed after July 1	0	0	6
Adjusted total	37	2	555
Annual inspections to-date	22	0	174
Remaining to be inspected this FY	15	2	381
Violations this period	0	0	0
Apprentices Monitored this period			
<u>Mileage</u>			
Mileage this report	1033		
Total FY mileage to-date	3286		
<u>Misc</u>	<u>Dates</u>		

Investigations this period	
Bd office-hearing/meetings	8/20, 8/21, 8/30
Conferences/presentations	0
Court	0
Leave	8/24,8/29,8/31,9/6,9/7, 9/10,9/13,9/14
Training	0



Compliance

Mrs. Baugess reported that there were no hearings or Reports and Recommendations since the August Board meeting. There was one forfeiture paid.



Mrs. Baugess reported that as of September 15, 2007, there are twenty (20) complaints under investigation by the Board office, thirty-four (34) charged complaints pending for hearing or settlement.



The following funeral homes submitted amendments to change the manger and/or funeral director actually in charge of and ultimately responsible for the funeral home in the month of August.

<u>License #</u>	<u>Business Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH 002515	Baumgardner FH	Baumgarden-Toth Pam	AIC	Ashtabula
FH 002085	Nicol-Wells-Kloss FH	Previte, Nicholas	MGR	Cuyahoga
FH 002085	Nicol-Wells-Kloss FH	Nicol, Barbara	AIC	Cuyahoga
FH 002603	Burr FH	Oberlin, Earl	MGR	Defiance
FH 002768	Lindsey-Kocher FS	Kocher, Jeffrey	AIC	Huron
FH 002535	J E Foster FH Inc	Foster, Jay	MGR	Jefferson
FH 002184	Hopkins Lawver FH	Belaney, Corey	MGR	Summit
FH 001105	Toland-Herzig FH Inc	Herzig, John	AIC	Tuscarawas
FH 002602	Oberlin-Ford FH	Turnbull, Thomas	MGR	Williams
FH 002602	Oberlin-Ford FH	Burr, Gary	AIC	Williams



Compliance Motion No. 1

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

<u>Complaint #</u>	<u>Date received</u>	<u>Issue</u>
0807001	07/05/07	Preneed cancellation
07061032	06/11/07	Unprofessional
0807004	07/26/07	Funeral bill dispute
0705129	05/29/07	preneed



Compliance Motion No. 2

On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to rescind charges against Donald H. Jordan and Hall-Jordan & Pretty Memorial Chapel with a violation of Administrative Rule 4717-1-30(C) for unprofessional conduct and Administrative Rule 4717-1-18 (D) for violation the Federal Trade Commission part 453- funeral industry revised rule. Specifically for not providing a general price list upon request. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye

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Compliance Motion No. 3

On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to charge Donald H. Jordan and Hall-Jordan & Pretty Memorial Chapel with violation of Administrative Rule 4717-1-30(C) for unprofessional conduct and Administrative Rule 4717-1-18 (D) for violation the Federal Trade Commission part 453- funeral industry revised rule. Specifically for not providing a general price list upon request. Per Section 4717.15 of the Revised Code and Administrative Rule 4717-1-30 (C) the Board recommended a forfeiture of \$500.00. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye

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Compliance Motion No. 4

On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to charge Kevin Jennings and Jennings Funeral Home with a violation of Section 4717.04(A)(9)(d) of the Revised Code, 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 under the licensee's supervision. Per Section 4717.15 of the Revised Code and Administrative Rule 4717-1-30 (D) the Board recommended a forfeiture of \$2,500.00. Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye; Tunnell, Aye

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Compliance Mail No. 1

The Board reviewed a letter from John B. Christian and Daniel T. Skivolocke concerning firm title. The Board accepted the change from "Walton-Schrader Funeral Home" to "Walton-Schrader-Christian-Skivolocke Funeral Home." Secretary to inform Mr. Christian and Mr. Skivolocke that all advertisements and signage must reflect the new firm title.

Compliance Mail No. 2

The Board reviewed a letter from Nick J. Ciriello concerning change of firm title. The Board accepted the change from "Dunn-Quigley-Ciriello & Carr Funeral Home." to "Ciriello & Carr Funeral Home." Secretary to inform Mr. Ciriello that all advertisements and signage must reflect the new firm title.

Compliance Mail No. 3

The Board reviewed a letter from Elizabeth Johnson Brown and Carl E. Swann, Jr. concerning firm title change. The Board accepted the change from "Johnson Brown Funeral Home" to "Johnson Brown Swann Funeral Home." Secretary to inform Ms Brown and Mr. Swann that all advertisements and signage must reflect the new firm title.

Compliance Mail No. 4



The Board reviewed a letter from T. Scott Gilligan, attorney for the Ohio Funeral Directors Association, which expressed apprenticeship on the issuance of the 2007 Preneed newsletter, but raised two points that OFDA considers restrictive. Mr. Gilligan requested clarification of the Discussion of Funeral Services and Contact with Preneed Consumers.

The Board is open to further clarification of “discussing funeral service” and will review the situation. As to contact with preneed consumers, the Board believes if a consumer contacts a funeral home and asks about preneed, the funeral director needs to make the initial contact to explain if the funeral director is sending an insurance agent to sell insurance to fund the preneed. The funeral director must clearly disclose that the person is an insurance agent.

Compliance Mail No. 5

The Board reviewed an unsigned letter alleging unlicensed persons selling preneeds, drunkenness, and “ambulance chaser” undercutting other funeral directors. With no specific names or evidence the Board is unable to investigate such claims.

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The Board meeting recessed at 2:35 P.M.

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Tuesday – September 18, 2007

The Board reconvened at 8:00 A.M. in the Riffe Center in Columbus, Ohio. President Pernel Jones presided. Present were: Ross C. DeJohn, John J. Hadley, Roger Primm, Walter J. McNamara, Frank Savage, Charles H. Wisby, Jennifer Baugess, and Ann Cunningham. Barbara Hadley observed the Board meeting.

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Continuing education

The list of continuing education programs considered by the Board during the September 2007 meeting is attached to the approved minutes filed in the Board’s office and appears in the Continuing Education Section of the Board’s Website.

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved, and where indicated denied, the Prior Approval with Blanket approval continuing education programs, and individual continuing education programs. Ayes: 4. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 4. Nays: 0. Motion approved.

On a motion by Mr. Primm, seconded by Mr. Hadley, the Board approved, and where indicated denied, the Blanket Approval continuing education programs. Ayes: 4. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board approved, and where indicated denied, individual continuing education programs. Ayes: 4. Nays: 0. Motion approved.

There were no applications for exemptions or waivers of the continuing education requirement.

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On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to send Mr. DeJohn, Mrs. Baugess, and Ms. Cunningham to the North American Cemetery Regulators Conference in Deerfield, Florida, October 31 to November 3, 2007. Ayes: 4. Nays: 0. Motion approved. The main theme of the conference is auditing of preneed.

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On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board went into executive session pursuant to Section 121.22(G) 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; Primm, Aye.

The President declared the Board out of executive session.

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On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board voted to accept the settlement agreement negotiated by the Assistant Attorney General and Poul H. Lemasters, attorney for William Thompson, relative to alleged violations of the Chapter 4717 of the Revised Code and Section 1111.19 of the Revised Code.

Roll call vote: DeJohn, Aye; Hadley, Aye; Jones, Aye; Primm, Aye.

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On a motion by Mr. DeJohn, seconded by Mr. Primm, the Board meeting adjourned at 8:41 A.M. Ayes:4. Nays: 0. Motion approved.