

Monday – February 8, 2010

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 1:30 P.M. Other Board members present were: Linda M. Betzer, Ty D. Marsh, Robert J. Wasko, and Pamela Williams-Briggs. Staff Members present were: Cheryl R. Hawkinson, Assistant Attorney General; Eric E. Anderson, Inspector; Jennifer Baugess, Administrative Assistant; Linda Clark, Licensure and Certification Examiner; Lena Wright, Administrative Assistant and Ann Cunningham, Executive Director.

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On a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board approved, as amended, the minutes of the meeting held on January 11-12, 2010. Ayes: 4. Nay: 0. Abstain: 1. Motion approved.

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Executive Director's Report

Ms. Cunningham reported that Strategic Planning [Synergy] Committee of the Boards and Commissions Management Group continue to meet and discuss efficiencies, and a proactive approach to budget preparation. Ms. Cunningham and another Executive Director met with Hugh Quill, Director of the Office of Administrative Services to discuss the committee's efforts..

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Ms. Cunningham reported that S.B. 155 gives the State Auditor the authority to charge agencies for the biennial audit.

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The Ethics Commission mailed 2009 Financial Disclosure Statements to Board Members. The Board pays the \$40 filing fee, and each Member is responsible for submitting the form by April 15, 2010.

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Mrs. Williams-Briggs, Mr. Marsh, and Mr. Wasko will attend a two-hour Ethics class on February 19. The Members will be paid per diem and reimbursed for allowable travel expenses. Ms. Betzer plans to attend the required training in Akron on September 2.

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Board Members were informed that the Ohio Funeral Directors Association Annual Convention will be held April 27-28-29, 2010.

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Ms. Cunningham reported that the posting for the position Embalmer/Funeral Facility Inspector will end February 16. The Board Officers will review the applications and interview qualified applicants.

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The Annual Preneed Contract Report form will be mailed February 9, 2010, and are due March 30, 2010.

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Mr. Hadley will represent the Board at the OFDA Apprentice Seminar on March 18, 2010.

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Ms. Cunningham reported that DAS/Fleet Management will replace Inspector Anderson's leased vehicle according to the new standards for smaller vehicles and greater gasoline efficiency.

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Board Members reviewed a news article from USA Today titled, “Eco Conscious – Green Burials.”

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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 facility license pending receipt of the occupancy permit and final inspection by the Board.

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There were no 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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On a motion by Mr. Wasko , seconded by Mrs. Williams-Briggs, the Board approved the following application for funeral home license: Ayes: 5. Nays: 0. Motion approved.

<u>License No.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH 003099	House of Glover FS	Cincinnati	Leasing
FH 003100	Kelley-Robb FH	Hubbard	06/23/09
FH 003101	Whetstone FH	Niles	leasing

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On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board approved the following application for funeral home license pending receipt of an occupancy permit and final inspection by the Board.

<u>Funeral Home</u>	<u>Location</u>	<u>County</u>
Hufford FH	Findlay	Hancock

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Previously, the Board approved the issuance of a funeral home license to the following facility 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..

<u>License No.</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Issue Date</u>
FH 003098	Best FH	Middlefield	02/02/10

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

On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board issued embalmer and/or funeral director licenses to qualified applicants. Ayes: 5. 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 January 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 January 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 January 2009. [See attached list]

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Fiscal

Lena Wright reported on fiscal matters. The Board Members reviewed the revenue journal which shows that the Board collected \$2,643.00 in January for a total of \$22,210.27 for Fiscal Year 2010. Also, the Board reviewed the journal of 20 vouchers and encumbrances for January, and the Budget Overview chart of allotments and expenses.

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Committee Report

The Preeed Committee reported discussions involving retroactivity, jurisdiction over funding, and the need for a legislative change concerning returning preneed to the contract beneficiary's estate. On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board voted to ask for an Attorney General's Opinion on these questions. Ayes: 5. Nays: 0. Motion approved. AAG Hawkinson and Executive Director Cunningham will describe the parameters of the questions and present the request to the Board for final approval.

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The Continuing Education Committee will meet on Tuesday morning prior to the Board Meeting to review applications for continuing education programs.

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Compliance

Inspector Anderson presented his monthly report for the period of January 4, 2010 to January 30, 2010, and the report is attached.

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Mrs. Baugess reported that there are nine pending complaints; fifteen charged complaints, pending hearing, settlements or Board-Ordered Compliance.

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There were no forfeitures.

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The Board has seven hearings to be scheduled and Mrs. Hawkinson is working on possible settlements.

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The Hearing Officer has no outstanding Report and Recommendations.

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In January 2010, 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. [See attached list]

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Compliance Mail No. 1

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board voted to close eight(8) investigatory files. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 2

On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board voted not to reopen a closed complaint because there was no new reasonable evidence submitted to warrant a reconsideration of the original decision. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 3

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board voted to charge Raimon Prince and R.A. Prince Funeral Services with violation of R.C. 4717.14(A)(4) for unprofessional conduct and R.C. 4717.14(A)(7) for refusing to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body. Specifically for refusing to release the cremated remains of Larry Harden to his mother, Shirley Drayton, until the outstanding charges were paid. Pursuant to R.C. 4717.15 and Administrative Code 4717-1-30(E), the Board hereby Orders that in lieu of an administrative hearing, a fine of one thousand dollars (\$1,000). Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 4

On a motion by Mr. Wasko, seconded by Mr. Marsh, the Board voted to charge Anthony Vitantonio and the Conti-Vitantonio Funeral Home with violation of R.C. 4717.14(A)(4) for unprofessional conduct as it incorporates Administrative Rule 4717-1-18(G) for failure to comply with the Board's request during an investigation. Specifically for failing to provide a response to a complaint. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 5

On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board voted to close complaint No. 101204, and Secretary was instructed to send a warning letter to revise policy on apprentices and necessary paperwork. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Nay; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Mail No. 1

The Board reviewed a letter from Thomas P. Corrigan concerning change of firm title. The Board accepted the firm title change from "DiDonato Funeral Home" to "Corrigan-Deighton Funeral Home." Secretary to advise Mr. Corrigan that all advertisements and signage must reflect the new firm title.

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Compliance Mail No. 2

The Board reviewed a letter from Hal M. Hanenkrath and Daniel J. Schaffer concerning firm title. The Board accepted the firm title change from “Mast-Mock-Hoffman-Hanenkrath-Clevenger-Schaffer Funeral Home Inc” to “Hanenkrath-Clevenger-Schaffer Funeral Home, Inc.” Secretary to advise Mr. Hanenkrath and Mr. Schaffer that all advertisements and signage must reflect the new firm title.

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Compliance Mail No. 3

The Board reviewed a letter from Shannon D. Dotson concerning an exemption from the continuing education requirement. The Board approved Mr. Dotson request to remove his exemption.

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Compliance Issue No. 1

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board voted to close a complaint concerning an alleged deceptive and fraudulent advertisements. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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The Board meeting recessed at 4:10 P.M.

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Tuesday – February 9, 2010

The Board reconvened at 9:02 A.M. in the Riffe Center in Columbus, Ohio. President John J. Hadley presided. Present were: Linda M. Betzer, Ty D. Marsh, Robert J. Wasko, Pamela Williams-Briggs, Cheryl R. Hawkinson, Jennifer Baugess, Eric E. Anderson, and Ann Cunningham.

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Compliance (continued)

On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board voted to establish a policy that all anonymous complaints shall be referred to the Board before any investigative efforts are undertaken. However, if it appears to the Board staff that an anonymous complaint is so serious that it requires immediate investigation, the Executive Director or his/her designee may open an investigation and/or take appropriate action after consultation with the Board President. Ayes: 5. Nays: 0. Motion approved.

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Continuing Education

The following motions involve the continuing education programs considered by the Board during the February 2010 meeting, and are posted on the Board’s website under Continuing Education.

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On a motion by Mr. Marsh, seconded by Mr. Wasko., the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board acknowledged, the Blanket with date continuing education programs that were previously approved. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mrs. Williams-Briggs seconded by Mr. Marsh, the Board approved, and where indicated denied, the Blanket continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board approved, and where indicated denied, the individual continuing education programs. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board denied an individual request for approval because the licensee submitted the application after the continuing education activity. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mr. Marsh, seconded by Mrs. Williams-Briggs, the Board approved the following exemption. Aye: 5. Nays: 0. Motion approved.

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
X		Lewis, Michael R.	granted

On a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board tabled an application submitted by Carol Ann Krumning for exemption from the continuing education requirements because the application was incomplete. Ayes: 5. Nays: 0. Motion approved.

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There were no requests for an exemption from continuing education for licensees who have been licensed for fifty years.

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Board Members discussed the possibility of employing more staff to handle the additional work, specifically, committees and rules preparation. AAG Hawkinson informed the Board that such an employee would need to be approved by the Attorney General's Office as Special Counsel, and that she as the Board's Counsel will work with the Committee and Staff in developing rules. The Executive Director will inquire as to the procedure for hiring Special Counsel.

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On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board went into executive session pursuant to R.C. 121.22(G)(3) to confer with the Board's counsel to discuss pending litigation. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

President Hadley declared the Board out of Executive Session.

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board voted to amend the charges in the complaint involving Marlan J. Gary. On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board voted to amend the language by removing the funeral home from the original charge. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.



On a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board meeting adjourned at 10:10 A.M. Ayes: 5. Nays: 0. Motion approved.

Initial Licenses To Be Granted By Motion Of The Board - February 2010

License Number	Name	City	Effective Date
EMB-9384 A FD-9400	Christiansen-Kloss, Melissa J.	Dayton Ky	02/08/10
EMB-9385 A FD-9401	Fox, Lacey V.	Stryker	02/08/10
EMB-9386 A FD-9402	Gasche, Seth R.	Ashland	02/08/10
EMB-9387 A FD-9403	Heindel, Laura A.	Franklin	02/08/10
FD-9404	Lewis, Frank J.	Springfield	02/08/10
EMB-9388A FD-9405	Moore, Steven E.	Newark	02/08/10
EMB-9389A FD-9406	Olivieri, Veronica R.	Medina	02/08/10
EMB-9390 A FD-9407	Waltermyer, Samantha L.	Toledo	02/08/10

The Following Individuals Were Issued Registration Numbers
During The Month of January 2010

Registration Number	Name	City	Effective Date
EMB 0323 FD 0494	Alexander, Patricia R.	Cincinnati	01/01/10
EMB 0324 FD 0495	Brush, Katrina L.	Dayton	01/01/10
EMB 0325 FD 0496	Bull Kaitlyn A.	Perrysburg	01/01/10
EMB 0326 FD 0497	DeMaison, Molly J.	Bryan	01/01/10
EMB 0327 FD 0498	Godsey Jr, James H.	Riverside	01/01/10
EMB 0328 FD 0499	Jennings, Kari A.	Mentor	01/01/10
EMB 0329 FD 0500	Luna, Samantha J.	Cincinnati	01/01/10
EMB 0332 FD 0504	Mercier, Denise L.	Cincinnati	01/19/10
EMB 0333 FD 0505	Poling, Jonathan D.	Canal Winchester	01/01/10
EMB 0330 FD 0501	Previte, Anthony R.	Cleveland Hts	01/01/10
EMB 0331 FD 0502	Rossbach, Leila J.	Parma	01/11/10

Certifications

Apprenticeships Certified During The Month Of January 2010

License Number	Apprentice Name	Funeral Home	City	Effective Date
EMB-0324 FD-0495	Brush, Katrina L.	Tobias Funeral Home	Dayton	01/11/10
EMB-0325 FD-0496	Bull, Kaitlyn A.	Witzler-Shank FH	Perrysburg	01/01/10
EMB-0326 FD-0497	DeMaison, Molly J.	Oberlin-Turnbull FH	Bryan	01/04/10
EMB-0327 FD-0498	Godsey Jr, James H.	Newcomer Funeral Home	Kettering	01/25/10
EMB-0329 FD-0500	Luna, Samantha J.	Gwen Mooney FH	Cincinnati	01/01/10
FD-0493	Mancari, J. Michael	Hummel Funeral Homes	Akron	01/04/10
EMB-0333 FD-0505	Poling, Jonathan D.	Dwayne R. Spence FH	Canal Winchester	01/01/10
EMB-0330 FD-0501	Previte, Anthony R.	Berkowitz-Kumin- Bookatz FH	Cleveland Hts	01/01/10
EMB-0331 FD-0502	Rossbach, Leila J.	Ripepi Funeral Home Inc.	Parma	01/12/10

Board meeting: 2/8/2010 FY2010

<i>Board Meeting</i>	<i>JUL</i>	<i>AUG</i>	<i>SEP</i>	<i>OCT</i>	<i>NOV</i>	<i>DEC</i>	<i>JAN</i>	<i>FEB</i>	<i>MAR</i>	<i>APR</i>	<i>MAY</i>	<i>JUN</i>	<i>Fiscal Year</i>
<i>registrations</i>													<i>total</i>
embalmer	6	none	1	3	2	1	1	0	0	0	0	0	14
funeral director	10	none	5	6	4	1	2	0	0	0	0	0	28
total	16	none	6	9	6	2	3	0	0	0	0	0	42
<i>certified apprentices</i>													<i>total</i>
embalmer	5	2	1	1	3	2	1	0	0	0	0	0	15
funeral director	7	3	3	5	4	2	1	0	0	0	0	0	25
total	12	5	4	6	7	4	2	0	0	0	0	0	40
<i>Embalmer apprentice Reports</i>													<i>total</i>
quarterly reports	97	115	43	109	49	56	98	0	0	0	0	0	567
master reports	16	19	7	18	8	9	16	0	0	0	0	0	93
Board Member interview	2	9	5	2	4	0	2	0	0	0	0	0	24
total	115	143	55	129	61	65	116	0	0	0	0	0	684
<i>Funeral Director apprentice Reports</i>													<i>total</i>
quarterly reports	246	206	104	252	135	87	240	0	0	0	0	0	1270
master reports	41	34	17	42	22	14	40	0	0	0	0	0	210
Board Member interview	7	15	6	6	10	5	6	0	0	0	0	0	55
total	294	255	127	300	167	106	286	0	0	0	0	0	1535
<i>new license issued</i>													<i>total</i>
embalmer	7	5	5	3	3	5	0	0	0	0	0	0	28
funeral director	9	8	7	4	3	5	1	0	0	0	0	0	37
total	16	13	12	7	6	10	1	0	0	0	0	0	65

Numbers represent actual documents received by Board office in designated month.

Time period start: 1/4/2010 end: 1/30/2010 Board Meeting 8-Feb-2010 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	2,974	2,794	1,652	2,190	2,359					21,438	
apprentices	1	2	5	1	1	3	2	1					16	
<i>Inspections - Annual</i>													<i>completed</i>	<i>remaining</i>
Crem Fac 48	6	2	2	4	4	1	4	2					25	23
Emb Fac 3	1	0	0	0	0		1						2	1
FH 611	81	39	42	52	56	30	28	35					363	248
Total 662	88	41	44	56	60	31	33	37	0	0	0	0	390	272
<i>Inspections - Follow-up</i>													<i>completed</i>	
Crem Fac	0												0	
Emb Fac	0					1							1	
FH	0							1					1	
Total	0	0	0	0	0	1	0	1	0	0	0	0	2	
<i>Inspections - New Facility</i>													<i>completed</i>	
Crem Fac	0					1							1	
Emb Fac	0												0	
FH	0							1					1	
Total	0	0	0	0	0	1	0	1	0	0	0	0	2	
Investigations	5	3	9	1	1	1	7	8					35	
Violations	7	8	4	2	5	1	1	0					28	
Bd meetings days	2		2	2	2	2	2	2					14	
Bd office days	2		2	2	2		2	2					12	
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