

Monday – March 15, 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 1:10 P.M. Other Board members present were: Linda M. Betzer, Ty D. Marsh, Robert J. Wasko, and Pamela Williams-Briggs arrived at 1:35 P.M... 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 Mr. Marsh, seconded by Mr. Wasko, the Board approved, as amended, the minutes of the meeting held on February 8-9, 2010. Ayes: 5. Nays: 0. Motion approve.

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Executive Director's Report

The Executive Director reported on Sub. H.B. 449 which permits use of DD93 to satisfy written declaration requirements for designating a person who is authorized to direct disposition of a person's remains.

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Board Members were reminded to submit their 2009 Financial Disclosure Statement to the Ethics Commission before April 15, 2010. The Board paid the individual filing fee of \$40 for each Board Member.

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Mr. Marsh reported on the Ethics Training that he attended along with Mrs. Williams-Briggs and Mr. Wasko, on February 19, 2010. Mr. Marsh, Mr. Wasko, and Mrs. Williams-Briggs were paid per diem and reimbursed for allowable travel expenses.

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Ms. Cunningham reported on the work of the Strategic Planning Committee of the Board and Commissions Management Group which includes continuing efforts to identify efficiencies, educate the Legislature, prepare a proactive approach to Budget preparation, and preparation of the Licensing Boards Fact Sheet for associations along with talking points for the Legislature. The Board Members agree with and support the Strategic Planning Committee and directed Ms. Cunningham to send the fact sheet to the associations when it is completed.

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The Executive Director explained the process for transferring the "savings" from the Cost Savings Days, step freezes, personal leave freeze, and reduced rates on payroll to the Board Members. The Department of Administrative Services will calculate the savings and transfer it from the Board's revenue to the General Revenue Fund. The actual amounts were not available at the time of the meeting.

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Ms. Cunningham reported on the annual convention of the International Conference of Funeral Service Examining Boards [Conference] in Orange, California on February 25-26 along with the separate meeting of the Association of Executives of Funeral Service Boards [AEFSB]. Ms. Cunningham received a plaque in recognition for her service to the AEFSB, and was elected president of the association. The meetings included presentations on Alternative Dispute Resolution, Funeral Establishment and Crematory

Inspection, Ethics presented by Dwayne Spence, Ohio, Exam Security, Trends in Funeral Service Education, Exam Construction, Inspection Procedures, Cremation Regulation, and Preneed How does Your State rank presented by Scott Gilligan, Ohio. Ohio was well represented as Bill Wappner, President of the National Funeral Directors Association was also in attendance.

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The Board Officers and the Executive Director will conduct interviews of applicants for the inspector position on Tuesday, March 16 after the Board and committee meetings.

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President Hadley and Mrs. Baugess will represent the Board at the Ohio Funeral Directors Apprentice Seminar on Thursday, March 18. Mr. Hadley will be paid per diem and reimbursed for allowable travel expense.

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The Board Office continues to receive the Annual Preneed Contract Report forms before the March 30<sup>th</sup> deadline, and funeral homes are having difficulty reporting preneed contracts funded by insurance assignments.

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The Board Members selected their time to be present at the Board’s booth at the OFDA annual convention on April 27-28-29.

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The Board Members reviewed news articles: Columbus Dispatch, “Smaller Cars, Fewer Miles save State \$56.8 million,” “Free-speech Debate – High Court to Review Funeral Protest Case,” and the Wall Street Journal “Casket Makers Dig in As Sales Take a Hit.”

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Persons before the Board

William A. Young of Indiana appeared before the Board as an applicant for reciprocal embalmer and funeral director licenses. On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board accepted Mr. Young’s applicant and instructed him to move forward with the process by taking the Ohio Laws examination. Ayes: 5. Nays: 0. Motion approved.

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Licensure

There were no applications for crematory facility for an existing crematory facility because of change of location and change of ownership.

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On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board voted to approve the following application for crematory facility license pending receipt of the occupancy permit and the final inspection by the Board. Ayes: 5. Nays: 0. Motion approved.

<u>Crematory facility</u>	<u>Location</u>	<u>County</u>
Highland CR	Hillsboro	Highland

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Previously the Board approved the issuance of a crematory facility license to the following after approval of the application, receipt of the occupancy permit, and final inspection. The crematory license number was issued on the Board meeting date of March 15, 2010.

License no.	Crematory Facility	Location	Inspection
CREM000132	Highland CR	Hillsboro	04/11/2010

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There were no applications for an embalming facility license for an existing embalming facility with a change of location or ownership.

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There were no applications for an embalming facility license for a new facility pending receipt of the occupancy permit and a final inspection.

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There were no previously approved applications for an embalming facility that submitted an occupancy permit and had a final inspection.

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

License No.	Firm Title	Location	Inspection
FH 003102	Jackson-Sarver	Covington	09/03/09
FH 003103	Jackson-Sarver	Pleasant Hill	09/03/09

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There were no applications for a funeral home license for a new facility pending receipt of the occupancy permit and a final inspection.

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

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On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board granted embalmer and/or funeral director licenses to qualified applicants. Ayes: 5. Nays: 0. Motion approved. [See attached list]

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The Board reviewed a list of individuals, who were issued embalmer and/or funeral director registration numbers during the month of February 2010. [See attached list]

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The Board reviewed a list of individuals who certified embalmer and/or funeral director apprenticeship during the month of February 2010. [See attached list]

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On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board gave Roger Primm authority to sign a display license for President Hadley. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board voted to deny the application for funeral director registration submitted by Tina W. Brandon, and offer her a hearing, specifically for failure to meet the requirements of R.C. 4717.05 (A)(2) that five years had not elapsed since release from incarceration, community control sanction, parole or treatment in connection with the offense. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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The Board reviewed an application for registration from Willis D. Walker. The Board instructed the Secretary to inform Mr. Willis that the Board cannot consider an incomplete application, and that all forms, fees and transcripts must be submitted.

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On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board voted to table the applications for embalmer and funeral director license submitted by Clarence Josef McLin, III. Ayes: 5. Nays: 0. Motion approved.

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#### Fiscal

Ms. Wright reports on fiscal matters. The Board Member reviewed the revenue journal that reflected that the Board collected \$2,980.20 in February for a total of \$25,190.47. The Board reviewed a list of twenty vouchers and encumbrances for February, and the Budget Overview chart of allotments and expenses.

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#### Committees

Ms. Betzer reported that the Preneed Committee held extensive discussions with Mrs. Hawkinson, A.A.G. on the Board's request for a formal opinion. The Apprenticeship Committee will meet on Tuesday.

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#### Compliance

Inspector Anderson presented his monthly report for the period of February 2, 2010 to March 12, 2010, and the report is attached.

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Mrs. Baugess reported that there are seven pending complaints, seventeen charged complaints pending hearings, settlements or Board-Ordered compliance.

There was one forfeiture received from Greenfield Crematory.

The Board held one hearing, and has two scheduled hearings with possible settlements pending.

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The Board mailed 1,171 annual preneed contract report forms to funeral homes on February 9, 2010, and received 414 as of the meeting date. 757 funeral homes have not submitted reports as yet.

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On February 19, 2010, the Board received notice from the Montgomery County Child Support Enforcement Agency that Robert O. Tate, Jr. was in default. His licenses were suspended. On February 25, 2010, his licenses were reinstated after receiving notice that he was no longer in default.

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In February 2010, the Board received 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 Motion No. 1

On a motion by Mr. Marsh, seconded by Mr. Wasko, the Board voted to close five 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 Ms. Betzer, seconded by Mrs. Williams Briggs, the Board voted to charge Mark Beck and Seederling, Mong & Beck Funeral Home for violation of R.C. 4717.14(A)(4) for unprofessional conduct, specifically for requesting a loan from R. Mae Reed after meeting with Ms. Reed to discuss her funeral arrangements. 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 Mr. Marsh, the Board voted to charge Kenneth Free and the Free Funeral Home with violation of R.C. 4717.14(A)(4) unprofessional conduct, specifically for failure to transfer a preneed contract at the specific request of the consumer. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Mail No. 1a

The Board reviewed a letter from Frank Lewis owner of Ingling & Williams Funeral Home concerning firm title. The Board accepted the firm title change from “Ingling & Williams Funeral Home” to “Ingling Williams & Lewis Funeral Home” in South Charleston and Cedarville. Secretary to instruct Mr. Lewis that all advertisements and signage must reflect the new firm title.

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Compliance Mail No. 1b

The Board reviewed a letter from Frank Lewis owner of Jackson Lytle & Williams Funeral Home concerning firm title. The Board accepted the firm title change from “Jackson Lytle & Williams Funeral Home” to “Jackson Lytle & Lewis Funeral Home” in Springfield and Yellow Springs. Secretary to instruct Mr. Lewis 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 Juan C. Ferebee concerning firm title. The Board accepted the firm title change from “Sibley-Murray Funeral Home” to “Sibley-Murray-Ferebee Funeral Home.” Secretary to instruct Mr. Ferebee that all advertisements and signage must reflect the new firm title.

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On a motion by Ms. Betzer, seconded by Mr. Wasko, the Board entered 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.

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

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The Board meeting recessed at 4:37 P.M.

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Tuesday – March 16, 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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Continuing Education

The following motions involve the continuing education programs considered by the Board during the March 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 Ms. Betzer,, 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 Mr. Marsh, 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 Mr. Marsh, seconded by Ms. Betzer, 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 Mr. Marsh, seconded by Ms. Betzer, the Board approved, and where indicated denied, the individual continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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On February 9, 2010, on a motion by Mrs. Williams-Briggs, seconded by Mr. Marsh, the Board tabled an application submitted by Carol Ann Kruming for exemption from the continuing education requirements because the application was incomplete. The motion was approved, Ayes: 5. Nays: 0.

On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board removed from the table, an application submitted by Carol Ann Kruming for exemption from the continuing education requirements. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Marsh, seconded by Ms. Betzer, the Board approved an exemption from the continuing education requirement submitted by Carol Ann Kruming. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mr. Marsh, seconded by Ms. Betzer, 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	Jarrett, Amanda A	granted

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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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On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to table applications for licensure submitted by Mr. McLin in order to request additional information and to check references. Aye: 5. Nays: 0. Motion approved.

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On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board meeting adjourned at 9:37 A.M

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

<b>License Number</b>	<b>Name</b>	<b>City</b>	<b>Effective Date</b>
EMB-9391 A FD-9408	Fortuna, Joseph A.	Newburgh Heights	03/15/10
FD-9409	Hall-Diaz, Lori A.	Columbus	03/15/10
EMB-9392 A FD-9410	Heywood, Caitlin E.	Dayton	03/15/10
EMB-9393 A FD-9411	Kempson, Marlene T.	Medina	03/15/10
EMB-9394 A FD-9412	Kincer, McKenzie K.	Fairborn	03/15/10
FD-9413	Lawrence, Michael S.	Chagrin Falls	03/15/10
EMB-9395 A FD-9414	Roberts, Lindsey J.	Wooster	03/15/10
EMB-9396 A FD-9415	Shaffer, Kathleen W.	Ashtabula	03/15/10

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

<b>Registration Number</b>	<b>Name</b>	<b>City</b>	<b>Effective Date</b>
FD 0507	Giuffre, Rebekah R.	Springboro	01/17/10
FD 0506	Harper, Aaron D.	Beallsville	01/11/10
EMB 0334 FD 0508	Vanderyt, Colin M.	Xenia	01/17/10

Certifications

Apprenticeships Certified During The Month Of February 2010

<b>Regis. Number</b>	<b>Apprentice Name</b>	<b>Funeral Home</b>	<b>City</b>	<b>Effective Date</b>
EMB-0323 FD-0494	Alexander, Patricia R.	Botkin Funeral Home	Waverly	02/01/10
FD-0506	Harper, Aaron D.	Harper Funeral Home	Beallsville	02/11/10
EMB-0332 FD-0504	Mercier, Denise L.	Geo H. Rohde & Son FH	Cincinnati	02/15/10
EMB-0334 FD-0508	Vanderyt, Colin M.	McColaugh Funeral Home	Xenia	02/17/10

Board meeting: 3/15/2010 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	11	0	0	0	0	25
funeral director	10	none	5	6	4	1	2	11	0	0	0	0	39
total	16	none	6	9	6	2	3	22	0	0	0	0	64
<i>certified apprentices</i>													<i>total</i>
embalmer	5	2	1	1	3	2	1	8	0	0	0	0	23
funeral director	7	3	3	5	4	2	1	9	0	0	0	0	34
total	12	5	4	6	7	4	2	17	0	0	0	0	57
<i>Embalmer apprentice Reports</i>													<i>total</i>
quarterly reports	97	115	43	109	49	56	98	96	0	0	0	0	663
master reports	16	19	7	18	8	9	16	16	0	0	0	0	109
Board Member interview	2	9	5	2	4	0	2	7	0	0	0	0	31
total	115	143	55	129	61	65	116	119	0	0	0	0	803
<i>Funeral Director apprentice Reports</i>													<i>total</i>
quarterly reports	246	206	104	252	135	87	240	165	0	0	0	0	1435
master reports	41	34	17	42	22	14	40	27	0	0	0	0	237
Board Member interview	7	15	6	6	10	5	6	9	0	0	0	0	64
total	294	255	127	300	167	106	286	201	0	0	0	0	1736
<i>new license issued</i>													<i>total</i>
embalmer	7	5	5	3	3	5	0	7	0	0	0	0	35
funeral director	9	8	7	4	3	5	1	8	0	0	0	0	45
total	16	13	12	7	6	10	1	15	0	0	0	0	80

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

Time period start:  end:  Board Meeting  FY 2010

<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>Year total</i>	
mileage	4,327	2,263	2,879	2,974	2,794	1,652	2,190	2,359	4,662				26,100	
apprentices	1	2	5	1	1	3	2	1	6				22	
<i>Inspections - Annual</i>													<i>completed</i>	<i>remaining</i>
Crem Fac 48	6	2	2	4	4	1	4	2	7				32	16
Emb Fac 3	1	0	0	0	0		1						2	1
FH 611	81	39	42	52	56	30	28	35	77				440	171
<b>Total 662</b>	<b>88</b>	<b>41</b>	<b>44</b>	<b>56</b>	<b>60</b>	<b>31</b>	<b>33</b>	<b>37</b>	<b>84</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>474</b>	<b>188</b>
<i>Inspections - Follow-up</i>													<i>completed</i>	
Crem Fac	0												0	
Emb Fac	0					1							1	
FH	0							1					1	
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	
<i>Inspections - New Facility</i>													<i>completed</i>	
Crem Fac	0					1			1				2	
Emb Fac	0												0	
FH	0							1	1				2	
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	
Investigations	5	3	9	1	1	1	7	8	8				43	
Violations	7	8	4	2	5	1	1	0	6				34	
Bd meetings days	2		2	2	2	2	2	2	2				16	
Bd office days	2		2	2	2		2	2	2				14	
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/licensees, 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