

Monday – May 17, 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 1:01 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; Lena Wright, Administrative Assistant and Ann Cunningham, Executive Director.

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On a motion by Mr. Marsh, seconded by Ms. Betzer, the Board approved, as amended, the minutes of the meeting held on April 19-20, 2010. Ayes: 5. Nays: 0. Motion approved.

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Executive Director's Report

The Executive Director reported that Lisa Bruns will begin her position as the Embalmer/Funeral Facility Inspector on Monday, May 24, 2010.

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The Board Members and Staff participated in the Ohio Funeral Directors Annual Convention on April 27-28-29, 2010, by conversing with licensees during exhibitions hours. Mr. Hadley, Mr. Marsh, Mr. Wasko, and Mrs. Williams-Briggs received per diem and were reimbursed for allowable travel expenses. A.A.G. Hawkinson reported her impression of the exhibits, and thanked Mr. Hadley for allowing her to observe an apprentice interview.

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The Executive Director reported that the Department of Administrative Services HRD Policy approved the Board's request to close the office on November 26, 2010, the Friday after Thanksgiving. The Staff will use one of their mandated "Cost Savings Days."

Having set meeting dates through December 2010, the Board proceeded to select meeting dates through the remainder of Fiscal Year 2011, ending June 30, 2011. This scheduling provides the information necessary for the Staff to designate their mandated Cost Savings Days. Every employee must use ten Cost Savings Days during each year of the biennium for a total of twenty days without pay.

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The Executive Director reported that the Staff continued to process the Annual Preneed Reports and that Mrs. Baugess would report on specific instances of potential violations.

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The Executive Director reported that the Council on Licensure, Enforcement and Regulation [CLEAR] is offering the National Certified Investigator/Inspector Training Program in Nashville in September. New Inspector Bruns will participate in the Basic four-day course, while Inspector Anderson and Mrs. Baugess will take the specialized course.

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Board Members received a copy of the Conference Update and 2009 National Board Exam Statistics produced by the International Conference of Funeral Service Examining Boards.

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The Board Members received one news article titled “Funeral Home Displays Shooting Victim on Motorcycle for Wake.”

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Licensure

There were no applications for crematory facility license for existing facilities because of change of location and/or change of ownership.

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

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

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

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

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

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There were no applications for funeral home license for existing facilities because of change of location owner.

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

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There were no previously-approved applications for funeral home license after receipt of an occupancy permit and a final inspection.

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On a motion by Mr. Wasko, 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 April 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 April 2010. [See attached list]

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The Board reviewed a letter from Katrina Brush concerning part-time employment during her apprenticeship. On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board approved Ms. Brush’s request to work no more than twenty hours a week during her apprenticeship. Ayes: 5. Nays: 0. Motion approved.

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Fiscal

Ms. Wright reported on fiscal matters. The Board Members reviewed the revenue journal that reflected that the Board collected \$21,989.00 in April for a total of \$50,982.47. The Board reviewed a list of twenty-seven vouchers and encumbrances for April, and the Budget Overview chart of allotments and expenses. Ms. Wright explained the monies removed by the Office of Budget and Management as a result of Cost Savings Days and related "savings."

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Person Before the Board

Robert E. Harden, Executive Director and CEO of Historic Woodlawn Cemetery in Toledo described various business/advertising ideas relative to the Cemetery's crematory. Assistant Attorney General Hawkinson informed Mr. Harden that the Board does not approve advertising programs but advises licensees to be clear and truthful, and only funeral directors and funeral homes may offer funeral services.

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Compliance

Inspector Anderson presented his monthly report for the period of April 11, 2010 to May 8, 2010, and the report is attached.

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

The Board received forfeitures from Chute-Wiley Funeral Home and R.A. Prince Funeral Services.

The Board has four scheduled hearings with possible settlements pending. There is one Report and Recommendation pending.

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Mrs. Baugess participated in Master Training on April 26 and reported that the content was good and well presented. Mrs. Baugess suggested that program contain more information and discussion on the role and responsibility of the master, and the importance of teaching the apprentices. The Master Training presenters mentioned that they are preparing suggestions for modifications to content and length of subject presentations.

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Compliance Motion No. 1a

On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to charge Adam J. Rossi and the Rossi Funeral Home, Inc. with violation of R.C. 4717.14(A)(4) for unprofessional conduct and Administrative Rule 4717-1-25, specifically for failure to submit a list of preneed contracts and the names and address of the insurance companies with the annual preneed funeral contract report for calendar year 2009. Pursuant to R.C. 4717.15, the licensee may waive the right to an adjudication hearing, admit the charges and pay the proposed forfeiture. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 1b

On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to charge Charles E. Wellman, Jr. and the Wellman Funeral Homes, Inc., Inc. with violation

of R.C. 4717.14(A)(4) for unprofessional conduct and Administrative Rule 4717-1-25, specifically for failure to submit a list of preneed contracts with the annual preneed funeral contract report for calendar year 2009. Pursuant to R.C. 4717.15, the licensee may waive the right to an adjudication hearing, admit the charges and pay the proposed forfeiture. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 1c

On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to charge Michael J. Ryan and the Shorten & Ryan Funeral Home with violation of R.C. 4717.14(A)(4) for unprofessional conduct and Administrative Rule 4717-1-25, specifically for failure to submit a list of preneed contracts with the annual preneed funeral contract report for calendar year 2009. Pursuant to R.C. 4717.15, the licensee may waive the right to an adjudication hearing, admit the charges and pay the proposed forfeiture. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 1d

On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to charge John C. Ourant and the Ourant Funeral Home, Inc. with violation of R.C. 4717.14(A)(4) for unprofessional conduct and Administrative Rule 4717-1-25, specifically for failure to submit the names and address of the insurance and trust companies with the annual preneed funeral contract report for calendar year 2009, and for failure to return a completed original form. Pursuant to R.C. 4717.15, the licensee may waive the right to an adjudication hearing, admit the charges and pay the proposed forfeiture. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Motion No. 1e

On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to charge John D. Baker and the O'Keefe-Baker Funeral Home with violation of R.C. 4717.14(A)(4) for unprofessional conduct and Administrative Rule 4717-1-25, specifically for failure to submit a list of preneed contracts funded with Homesteaders Insurance with the annual preneed funeral contract report for calendar year 2009. Pursuant to R.C. 4717.15, the licensee may waive the right to an adjudication hearing, admit the charges and pay the proposed forfeiture. Roll Call Vote: Betzer, Aye; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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The Board reviewed a list amendments to change the manager and/or the funeral director actually in charge of and ultimately responsible for the funeral home which was received in April. [See attached list]

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Compliance Motion No. 2

On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, 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. 3

On a motion by Mr. Wasko, seconded by Ms. Betzer, the Board voted to charge David F. Koch and the David F. Koch Funeral Home for violation of R.C. 4717.14(A)(4) for unprofessional conduct, specifically for including the outstanding balance for the funeral services of Ronald L. Smith on the Statement of Goods and Services for the funeral services of Carol Lee Smith. 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. Marsh, seconded by Mrs. Williams-Briggs, the Board voted to charge James P. Murphy and the Nicol-Wells-Kloss Funeral Homes for violation of R.C. 4717.14(A)(4) for unprofessional conduct, specifically for allowing Barbara Nicol to continue to serve as manager at the 5252 Mayfield Road location and as the funeral director actually in charge of and ultimately responsible for the 4090 Mayfield Road location after her funeral director license lapsed. Roll Call Vote: Betzer, Abstain; Hadley, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

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Compliance Mail No. 1

The Board reviewed a letter from Angela F. Ford concerning her mother's preneed contract with the closed Crosby Funeral Home. The Board instructed staff to inform Ms. Ford that the Board has no jurisdiction and suggested she consult with private legal counsel.

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Compliance Mail No. 2

The Board reviewed a letter from Raymond L. Beebe, attorney that confirmed the status of funds held in the Robert O. Tate settlement matter.

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Compliance Mail No. 3

The Board reviewed a letter from Sylvia M. Miller concerning the operation of the Miller-McFall Funeral Home, Inc. after the death of Owen D. McFall, Jr. On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board voted to allow the Miller-McFall Funeral Home, Inc. to operate for twelve months until April 4, 2011. At which time Ms. Miller may request an additional twelve months or submit an application for new funeral home license. Ayes: 5. Nays: 0. Motion approved.

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Compliance Mail No. 4

The Board reviewed a letter from John R. Wanick, administrator of the J. Jeffrey Fretti Funeral Home, concerning the continued operation of the funeral home. On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board approved an additional twelve months of operation of the J. Jeffery Fretti Funeral Home until April 12, 2011 before such time an application for a new funeral home license must be submitted or the funeral home must close. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, 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.

The Board meeting recessed at 4:30 P.M.

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Tuesday – May 18, 2010

The Board reconvened at 9:05 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 Mail No. 5

The Board reviewed a letter from Barbara E. Nicol concerning her lapsed license. On a motion by Mrs. Williams-Briggs, seconded by Mr. Wasko, the Board denied Ms. Nicol's request to waive the monetary penalties. Ayes: 4. Nays: 0. Abstain, 1. Motion approved.

Continuing Education

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

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

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On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board approved the following applications for exemption. Aye: 5. Nays: 0. Motion approved.

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/denied</u>
	X	Yuhasz, Michael	Granted
X		Wavak, Paula M	Granted

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The Board Members discussed the free breakfast offered by the Doubletree in conjunction with an overnight stay, and the possibility of a savings in travel expenses. Ms. Wright will check with DAS Shared Services Travel and Expense.

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Mr. Wasko requested a Staff Committee meeting be held prior to the June 14th meeting, cancelling the Preneed Committee meeting.

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On a motion by Mr. Wasko, seconded by Mrs. Williams-Briggs, the Board meeting adjourned at 9:47 A.M.

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John J. Hadley, President

Attest: _____
Pamela Williams-Briggs, Secretary-Treasurer

Registration

The following individuals qualified for an embalmer and/or a funeral director
Registration Number during the month of April, 2010.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Effective</u>
EMB-0338 FD-0514	Gier, Jamie	Milford	04/19/10
EMB-0335 FD-0510	Hahn, Brian C.	Marietta	04/07/10
FD-0515	Karla, Andrew	Parma	04/19/10
EMB-0339 FD-0516	McLin III, C. Josef	Dayton	04/20/10
EMB-0336 FD-0511	Quinones, Nicholas	Enon	04/07/10
FD-0512	Sawicki, Christine	Canfield	04/07/10
EMB-0337 FD-0513	Schutt, Fred	Toledo	04/07/10

Certification

The following individuals certified an embalmer and/or a funeral director apprenticeship during the month of April, 2010.

<u>Registration Number</u>	<u>Apprentice</u>	<u>Funeral Home</u>	<u>City</u>	<u>Effective</u>
EMB-0338 FD-0514	Gier, Jamie	Evans Funeral Home	Milford	04/19/10
EMB-0335 FD-0510	Hahn, Brian	Hadley Funeral Home	Marietta	04/12/10

Initial Licenses - May 2010

On a motion by _____ , seconded by _____ , the Board voted to grant an embalmer and/or a funeral director license to the following qualified individuals

Ayes: _____ Nays: _____ Motion approved.

<u>License No.</u>	<u>Name</u>	<u>City</u>	<u>Effective</u>
EMB-9402 A FD-9422	Kristopher M. Buirley	Mansfield	05/17/10
EMB-9402 A FD-9423	Laura A. DiNardo	Stow	05/17/10
FD-9424	Nathaniel J. Douglas	Dennison	05/17/10

Board meeting: 5/17/2010 FY2010

<i>Actual month collected</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	1	0	0	0	26
funeral director	10	none	5	6	4	1	2	11	3	1	0	0	43
total	16	none	6	9	6	2	3	22	4	1	0	0	69

<i>certified apprentices</i>													<i>total</i>
embalmer	5	2	1	1	3	2	1	8	3	0	0	0	26
funeral director	7	3	3	5	4	2	1	9	4	2	0	0	40
total	12	5	4	6	7	4	2	17	7	2	0	0	66

<i>Embalmer apprentice Reports</i>													<i>total</i>
quarterly reports	97	115	43	109	49	56	98	96	43	81	0	0	787
master reports	16	19	7	18	8	9	16	16	7	13	0	0	129
Board Member interview	2	9	5	2	4	0	2	7	6	2	0	0	39
total	115	143	55	129	61	65	116	119	56	96	0	0	955

<i>Funeral Director apprentice Reports</i>													<i>total</i>
quarterly reports	246	206	104	252	135	87	240	165	88	204	0	0	1727
master reports	41	34	17	42	22	14	40	27	14	34	0	0	285
Board Member interview	7	15	6	6	10	5	6	9	7	5	0	0	76
total	294	255	127	300	167	106	286	201	109	243	0	0	2088

<i>new license issued</i>													<i>total</i>
embalmer	7	5	5	3	3	5	0	7	6	5	0	0	46
funeral director	9	8	7	4	3	5	1	8	8	6	0	0	59
total	16	13	12	7	6	10	1	15	14	11	0	0	105

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

Time period start: 4/11/2010 end: 5/8/2010 Board Meeting 17-May-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	4,662	2,952	2,348		31,400	
apprentices	1	2	5	1	1	3	2	1	6	2	0		24	
<i>Inspections - Annual</i>													<i>completed</i>	<i>remaining</i>
Crem Fac 48	6	2	2	4	4	1	4	2	7	4	0		36	12
Emb Fac 3	1	0	0	0	0		1			1	0		3	0
FH 611	81	39	42	52	56	30	28	35	77	38	21		499	112
Total 662	88	41	44	56	60	31	33	37	84	43	21	0	538	124
<i>Inspections - Follow-up</i>													<i>completed</i>	
Crem Fac	0												0	
Emb Fac	0					1							1	
FH	0							1		2			3	
Total	0	0	0	0	0	1	0	1	0	2	0	0	4	
<i>Inspections - New Facility</i>													<i>completed</i>	
Crem Fac	0					1			1				2	
Emb Fac	0												0	
FH	0							1	1	1			3	
Total	0	0	0	0	0	1	0	1	2	1	0	0	5	
Investigations	5	3	9	1	1	1	7	8	8	2	5		50	
Violations	7	8	4	2	5	1	1	0	6	1	0		35	
Bd meetings days	2		2	2	2	2	2	2	2	2	2		20	
Bd office days	2		2	2	2		2	2	2	4	4		22	
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