

Monday – June 20, 2011

The Board of Embalmers and Funeral Directors met in regular session in the Riffe Center at 77 South High Street in Columbus, Ohio. Robert Wasko, President, called the meeting to order at 1:05 P.M. Other Board members present were: Linda M. Betzer, Robert C. Carter, Thomas Fleming, Ty Marsh, Roger Primm and Pamela Williams-Briggs. Staff Members present were: Cheryl R. Hawkins on, Assistant Attorney General; Eric E. Anderson, Inspector; Lisa A. Bruns, Inspector; Jennifer Baugess, Administrative Assistant; Linda Clark, Certification/Licensure Examiner; Lena Wright, Administrative Assistant and Malik M. Hubbard, Executive Director.

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On a motion by Ms. Betzer, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on May 16-17, 2011. Ayes: 7. Nays: 0. Motion approved.

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Board member Mrs. Pamela Williams-Briggs submitted and read a written statement regarding the Continuing Education Report of the May 2011 Board meeting. See attached.

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Executive Director's Report

The Executive Director reported that the Kentucky Funeral Directors Association organized a round table meeting to discuss reciprocity laws and rules for neighboring states. The meeting was held at the Kentucky Funeral Directors Association office in Frankfort, KY on May 25<sup>th</sup>, 2011. Mr. Wasko, Mr. Fleming, and Malik Hubbard attended. Representatives from Tennessee, Indiana, and Kentucky were present. Representatives from the Buckeye Funeral Directors and Embalmers Association and the Ohio Funeral Directors Association were also present. At this meeting a courtesy card was discussed to be issued among neighboring states. This card would allow funeral directors to conduct certain aspects of the funeral directing business across state borders. No agreements were made at this meeting. Another meeting was suggested for November or December to discuss further plans for a courtesy card. Board members were paid per diem and allowable travel expenses.

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The Executive Director gave an update on H.B. 153 (Budget Bill). The Executive Director reported that the amendment introduced to sub H.B. 153 by State Senator Jason Wilson to restore the 13% cut to the Board's funding allotment was rejected.

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The Executive Director reported that an amendment introduced to sub H.B. 153 reclassifies formaldehyde as a schedule 2 controlled substance requiring a healthcare professional to provide a prescription for purchase and possession. If this amendment becomes law, it could have a dramatic effect on the funeral industry.

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The Executive Director reported that the 74<sup>th</sup> Buckeye State Funeral Directors and Embalmers Association convened on June 16-18, 2011. The Executive Director and Inspector Lisa Bruns attended.

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Licensure

On a motion by Mr. Carter, seconded by Ms. Betzer, the Board voted to approve the following application for a funeral home license for the existing facility because of a change of ownership. Ayes: 7. Nays: 0. Motion approved.

**Chart 1**

<u>License no.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH 003175	Armstrong FH	Seville	10-15-09



On a motion by Ms. Betzer, seconded by Mr. Fleming, the Board voted to approve the following applications for funeral home licenses for the existing facilities because of a change of ownership. Ayes: 6. Nays: 1. Motion approved.

**Chart 2**

<u>License no.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH 003177	Newcomer FH	Mt. Healthy	09-23-09
FH003178	Newcomer FH	Cincinnati	07-10-10



At the previous Board meeting, The Board approved the issuance of a funeral home license to the following after approval of the application, receipt of the occupancy permit, and the final inspection.

**Chart 3**

<u>License no.</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Issue date</u>
FH 003176	John Hodapp Sons Inc.	Liberty Twp	06-15-2011



On a motion by Mr. Primm, seconded by Mr. Marsh the Board approved the following application for a crematory facility license for the existing facility because of change of Crematory operator pending receipt of application fees within ten business days. Ayes: 7. Nays: 0. Motion approved.

**Chart 4**

<u>Crematory Facility</u>	<u>Location</u>	<u>Inspection</u>
Ashtabula County	Ashtabula	07-27-10



There were no applications for a crematory facility licenses for new facilities pending receipt of the occupancy permit and a final inspection.



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



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



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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Persons before the Board

Mr. Brian S. Merkle is a licensed Embalmer and Funeral Director in the state of Michigan. He came before the Board seeking a reciprocal Embalmer and Funeral Director's license. Mr. Merkle has been practicing funeral directing and embalming for 11 years. Mr. Merkle indicated that he has no felony convictions and no prior discipline from the embalmers and funeral directors governing organization in the state of Michigan. Mr. Merkle will continue to reside in Michigan.

On a motion by Mr. Marsh, seconded by Mr. Primm, the Board voted to grant Mr. Merkle the opportunity to seek an Ohio reciprocal Embalmer and Funeral Director's license. Mr. Merkle must pass the Ohio Laws and Rules exam. Ayes: 7. Nays: 0. Motion approved.

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Mr. Donald A. Dobras is a licensed Embalmer and Funeral Director in the state of New York. He came before the Board seeking a reciprocal Embalmer and Funeral Director's license. Mr. Dobras has been practicing funeral directing and embalming for 10 years. Mr. Dobras indicated that he has no felony convictions and no prior discipline from the embalmers and funeral directors governing organization in the state of New York.

On a motion by Mr. Marsh, seconded by Mr. Primm, the Board voted to grant Mr. Dobras the opportunity to seek an Ohio reciprocal Embalmer and Funeral Director's license. Mr. Dobras must pass the Ohio Laws and Rules exam. Ayes: 7. Nays: 0. Motion Approved. Motion Passed.

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Mr. Michael J.K. Jones came before the Board to request that his funeral director and embalmer licenses be reinstated. Mr. Jones' funeral director and embalmer licenses had been revoked in May of 2010 as recommended by hearing officer after an administrative hearing. The Board determined if Mr. Jones would like to apply for a funeral director and/or embalmer license he must first complete an application to request to register.

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Ms. Teresa L. Dutko the Co-op Coordinator and Chair of Funeral Directing Arts for Cincinnati College of Mortuary Science (CCMS) came before the Board. She spoke to the Board about continuing to approve the CCMS 5<sup>th</sup> Quarter Co-op program for continuing education credit for the program's co-op preceptor participants, who are licensed embalmers and funeral directors. She stated that the co-op program provides an opportunity for students that have earned their bachelor's degree to gain practical experience in the funeral home. Students work approximately 35 hours per week in a funeral home under the supervision of preceptors. The program is offered twice a year and in the past preceptors were awarded 4 hours of continuing education credits for participating in the program.

The Board expressed concern that this would allow preceptors to potentially earn 16 of their 18 required continuing education credits from one program per compliance period.

This would prevent the preceptors from getting a variety of continuing education for that compliance period.



Licensing Issues before the Board

The Board reviewed a letter from Mr. Le Moyne Nesbitt Jr. containing court journal entries, sentencing order and documentation of termination post release control. These items were submitted in addition to Mr. Nesbitt's application to begin a funeral director apprenticeship program. In reviewing the application the Board noticed several errors.

On a motion by Mr. Fleming, seconded by Mr. Marsh the Board voted to table the application for further review. Roll Call Vote: Betzer, Nay; Carter, Nay; Fleming, Aye; Marsh, Aye; Primm, Nay; Wasko, Aye; Williams-Briggs, Abstain. Motion Failed.

On a motion by Ms. Betzer, seconded by Mr. Primm the Board voted to direct Board staff to return the application with instructions to make corrections or complete a new application. Ayes: 7. Nays: 0. Motion Passed.



Mrs. Clark revisited an issue about a funeral director apprentice Ms. Lisa Oesteicher who was not meeting the requirements of her apprenticeship. The Board directed Inspector Lisa Bruns to speak with the Master Funeral Director supervising her, Mr. Bradley T. Kopp to ensure that the requirements are now being met and the apprentice will be prepared to terminate her apprenticeship.



The Board reviewed two letters, one from Mr. Ross C. DeJohn, Jr. and another from Mr. William A. White, both funeral directors at DeJohn Funeral Home. Both funeral directors expressed concerns about the work ethic and capabilities as a funeral director Mr. Napoli expressed. Mr. DeJohn's letter came at the request of Board member Ms. Linda Betzer. These letters were sent detailing some concerns that Mr. DeJohn had about a past apprentice of his, David Napoli.

At the March Board meeting the Board reviewed a letter from Mr. Ross C. DeJohn concerning certifying the apprenticeship of David Napoli and filing the appropriate termination documents. Mr. Napoli terminated his apprenticeship at the DeJohn Funeral Home and Crematory and began working as an apprentice at another funeral home. Mr. DeJohn had some issues with Mr. Napoli and refused to complete the appropriate termination documents for his former apprentice. At that time Ms. Betzer indicated that she would speak with Mr. DeJohn about this matter.

In the April Board meeting Ms. Betzer reported that she spoke with Mr. DeJohn and he told her that he would file the proper termination documents for his former apprentice but would not certify them. Ms. Betzer instructed Mr. DeJohn to send in a separate letter detailing his concerns in addition to the documents required for his apprentice.

Mr. DeJohn sent to the Board the termination documents requested of him and the letter mentioned above.

During the month of June Ms. Betzer conducted an apprentice interview with Mr. Napoli.



Ms. Betzer made a motion, seconded by Mr. Carter to grant an embalmer and/or funeral director license to the following qualified applicants (see chart 5). There was discussion about Mr. Robert O. Hughes' prior involvement in a previously charged case as an apprentice. It was determined that the Master Funeral Director in charge was ultimately responsible.

Ms. Betzer moved to withdraw the prior motion to grant an embalmer and/or funeral director license to the following qualified applicants, seconded by Mr. Carter.

On a motion by Ms. Betzer, seconded by Mr. Carter the Board voted to grant an embalmer and/or funeral director license to all the following qualified applicants, except for Robert O. Hughes (see chart 5). Ayes: 7. Nays: 0. Motion Approved.

On a motion by Mr. Fleming, seconded by Mr. Marsh the Board voted to grant a funeral directors license to Robert O. Hughes pending he come before the Board (see chart 5). Roll Call Vote: Betzer, Nay; Carter, Nay; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Nay. Motion Passed.

On a motion by Mr. Fleming, seconded by Ms. Betzer the Board voted to withdraw the motion to grant a funeral directors license to Robert O. Hughes pending he come before the Board. Ayes: 7. Nays: 0. Motion Passed.

On a motion by Mr. Fleming, seconded by Ms. Betzer the Board voted to grant an embalmer and/or funeral director license to the following qualified applicants and to issue a request for Robert O. Hughes to meet with the Executive Director and Inspector Lisa Bruns. Ayes: 7. Nays: 0. Motion Passed.

**Chart 5**

<u>License no.</u>	<u>Name</u>	<u>Location</u>	<u>Issue date</u>
EMB-9440 A FD-9478	Gier, Jamie M.	Milford	06-20-11
EMB-9441 A FD-9479	Hahn, Brian C.	Marietta	06-20-11
FD-9480	Hughes, Robert O.	Cincinnati	06-20-11
EMB-9442 A FD-9481	Jennings, Kari A.	North Olmsted	06-20-11
EMB-9443 A FD-9482	Schiavone, Elaina L.	Youngstown	06-20-11
FD-9483	Zachrich, Stephanie J.	New Bavaria	06-20-11



The Board reviewed a list of individuals, who were issued embalmer and/or funeral director registration numbers during the month of May 2011.

**Chart 6**

<u>License no.</u>	<u>Name</u>	<u>Location</u>	<u>Issue date</u>
EMB-0401 FD-0589	Paci, Antuan R.	Cleveland	05-05-11
FD-0596	Johnson, Melinda M.	Barnsville	05-26-11

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The Board reviewed a list of Apprenticeships certified during the month of May 2011.

**Chart 7**

<u>License no.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Effective Date</u>
EMB-0400 FD-0593	Norris, Ashley L.	Routsong FH	Dayton	05-14-11
EMB-0401 FD-0595	Paci, Autuan R.	Thomas G. Smith FH	Cleveland	05-10-11
EMB-0399 FD-00592	Underhill, Sara G.	Reeb FH	Sylvania	05-20-11

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Mrs. Linda Clark reported that in the month of May there were 1 embalmer and 2 funeral director registrations. There were 3 embalmer and 3 funeral director certified apprentices. There were 126 Embalmer apprentice reports, 21 Embalmer master reports for apprentices and 5 embalmer Board member apprentice interviews. There were 168 Funeral Director Apprentice reports, 28 Funeral Director Master Reports and 7 funeral director Board Member interviews.

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Mrs. Clark reported that there were 4 new embalmer licenses issued and 6 funeral director licenses issued for the month of May, accumulative report attached.

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Fiscal

Ms. Wright reported on fiscal matters. The Board Members reviewed the revenue journal that reflected that the Board collected \$8,815.50 in May for a total of \$1,149,227.18 in FY11. The Board reviewed a list of thirty-four vouchers and encumbrances for May, and the Budget Overview chart of allotments and expenses.

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Ms. Wright reported that the second payment of \$562.50 from Mr. Brian Wikoff was received for his payment arrangement.

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Ms. Wright gave a report detailing the payments received from Mr. Keith Young to date. Two payments of \$417.14 have been received.

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On a motion by Ms. Betzer, seconded by Mr. Primm, the Board approved a personal service contract for educational consultant Donald Neff, at the rate of \$25.00 per hour for a maximum of \$1000.00 for fiscal year 2012, pending available funds. Permission was given to Executive Director to sign contract after being drafted by Assistant Attorney

General. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Absent; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.



On a motion by Ms. Betzer, seconded by Mr. Primm, the Board approved a personal service contract with Blaugrund, Herbert & Martin Inc., at the rate of \$95.00 per hour for a maximum of \$4,750.00 for fiscal year 2012, pending available funds. Permission was given to Executive Director to sign contract after being drafted by Assistant Attorney General. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Absent; Primm, Aye; Wasko, Aye; Williams-Briggs, Nay. Motion Passed.



Mrs. Baugess reported that there are thirteen pending complaints and twenty-eight charged complaints.

The Board received forfeitures from the following:

- \$500 Kinnick FH (complaint #1105112)
- \$500 Harter & Schier FH (complaint #1105118)
- \$500 Eagle FH (complaint #1105109)
- \$500 Jackson-Sarver Family FH (complaint #1105113)
- \$500 Jackson-Sarver Family FH (complaint #1105114)
- \$500 Megie FH (complaint #1105104)
- \$500 Braund FH (complaint #1105107)
- \$500 Smoot FH (complaint #1105108)
- \$500 Schwartz, Spence, Boyer & Cool (complaint #1105111)
- \$1000 James Murphy/Nicol-Wells-Kloss (complaint # 1004079)

Mrs. Baugess reported that there are two scheduled hearings with eleven to be scheduled. There are five outstanding adjudicative hearing reports and recommendations with one received.



Compliance 1

The Board reviewed a list of amendments to change the manager and/or the funeral director actually in charge of and ultimately responsible for the funeral home for the month of May (see chart 8).

Chart 8

Lic Number	Facility Name	Licensee by Last Name	Type	County
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FH001902	Shorten & Ryan FH Inc.	Shorten Sara	MGR	Butler
FH002710	Vorhis & Ryan FH	Ryan Michael	MGR	Hamilton
FH002662	Jack Monreal FH	Laurmer Alan	AIC	Lake
FH002662	Jack Monreal FH	Laumer, Alan	MGR	Lake
FH002218	Maison-Dardenne-Walker FH	Raczkowski James	MGR	Lucas
FH003104	Higgins-Reardon FHs	Reardon Terry	AIC	Mahoning
FH003104	Higgins-Reardon FHs	Daley Kristina	MGR	Mahoning
FH002321	Bryan & Snider FH	Zehms Philip	AIC	Muskingum
FH002321	Bryan & Snider FH	Zehms Philip	MGR	Muskingum
FH000890	Roberts FH	Winegardner Robert	AIC	Perry
FH000890	Roberts FH	Winegardner Robert	MGR	Perry
FH001003	Lamiell FH	Lamiell Paul	AIC	Stark
FH001003	Lamiell FH	Lamiell Paul	MGR	Stark
FH001038	Dunn-Quigley FHs	McKnight James	MGR	Summit
FH001037	Dunn-Quigley FHs	Dunn Dennis	MGR	Summit



**NOTE:**

On motions denoted with an asterisk (\*), the names and identifying information was redacted from discussion and proposed notices during the course of deliberation. Matters were referred to only by case number. Identifying information was added during the writing of the minutes based upon the correlating case number.

Compliance Motion No. 1\*

On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to close three investigative complaints. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Absent; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.



Compliance Motion No. 2\*

On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to close the investigative complaint. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Nay; Marsh, Absent; Primm, Aye; Wasko, Aye; Williams-Briggs, Nay. Motion Passed.



Compliance Motion No. 3\*

On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to close the investigative complaint. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Absent; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Approved.



Compliance Motion No. 4\*

On a motion by Ms. Betzer, seconded by Mr. Fleming, the Board voted to issue a notice of Opportunity for Hearing to Robert P. McDermott (FD 007475) and the Robert P. McDermott Memorial Home, Inc. (FH 002361) for violating R.C. 4717.14(A)(4) as it incorporates Rule 4717-1-18(F) of the Administrative Code, specifically for failure to properly deposit payments for preneed contracts within thirty days. The moneys received from the consumers were never deposited with a trust or insurance company. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Absent; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 5\*

On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to set this compliance motion on the June 21<sup>st</sup>, 2011 agenda. Ayes: 6. Nays: 0. Motion Passed. Motion Passed.

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Compliance Motion 6\*

On a motion by Mr. Primm, seconded by Ms. Betzer the Board voted to withdraw the previous motion for three complaints from the April 18, 2011 Board meeting. (April 18<sup>th</sup>, 2011 previous motion - On a motion by Mr. Primm, seconded by Ms. Betzer the Board voted to charge those who did not submit a required preneed report by or postmarked on March 30, 2011. The Board ordered a forfeiture of \$500.00 for the first offence and \$1000.00 for the second or more offence. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed)

Complaint #1105117 – The Report was stapled to the other FH location, was submitted on time.

Complaint #1105115 – Proof was submitted from the post office that the package containing the preneed report was delivered and signed for in the Board office on 03/29/2011.

Complaint #1105119 – The Report was filed in wrong county and not entered in computer. The report was submitted on time.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Absent; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed

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Compliance Mail #1

The Board reviewed a letter sent from Dr. William H. Roberts, III to request that a waiver to continue to operate under the name of Roberts Funeral Home in New Lexington and to name Robert C. Winegardner a licensed funeral director as manager and AIC of the establishment while the funeral home is in estate proceedings.

On a motion by Mr. Fleming, seconded by Mrs. Williams-Briggs the Board voted to grant a twelve month waiver to continue to practice under the firm title of Roberts Funeral Home. Ayes: 6. Nays: 0. Motion approved.

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Compliance Mail #2

The Board reviewed a letter sent from Mr. Dennis M. Pavley in response to a letter sent by Mrs. Baugess reminding Mr. Pavley that in order to be in compliance that the name of the funeral director actually in charge must be displayed in the firm title name. Mr. Pavley stated that effective immediately the firm title will read “Eggleston Meinert Pavley Funeral Home, Inc., Toledo Kinsey Chapel.

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Compliance Mail #3

The Board reviewed a letter sent from Mr. Paul J. Lamiell, Jr. to request that he replace Mr. Paul J. Lamiell Sr. as manager and AIC of Lamiell Funeral Home, Inc., due to the death of Paul J. Lamiell Sr. and to continue to operate under the same firm title for a 12 month period.

On a motion by Mrs. Williams-Briggs, seconded by Mr. Fleming the Board voted to grant Lamiell Funeral Home, Inc. an additional 12 months to operate under that firm title. Ayes: 6. Nays: 0. Motion Approved.



Compliance Mail #4

The Board reviewed a letter sent from Mr. David T. Phillips concerning change of firm title for the Tracy Brammer Funeral Home in Ironton, Ohio and request for an additional manager and AIC. The Board accepted the additional funeral director actually in charge of Mr. Gary L. Monroe and the change of firm title from "Tracy Brammer Home" to "Tracy Brammer - Monroe Funeral Home". Mrs. Baugess will inform Mr. Phillips that all signage and advertisements must reflect the new firm title.



Compliance Mail #5

The Board reviewed a letter sent from Ms. Sylvia M. Miller to request a waiver to continue to operate under the name of Miller-McFall Home in Cleveland and to replace Mr. Arthur L. Rogers with Ms. Linda D. White a licensed funeral director as manager and AIC of the firm.

On a motion by Mrs. Williams-Briggs, seconded by Mr. Carter the Board voted to grant an additional twelve month waiver to continue to practice under the firm title of Miller-McFall. Ayes: 6. Nays: 0. Motion approved.



Compliance Mail #6

The Board reviewed a letter from Roberta Brady Mallory-Smith requesting that Smith Mortuary be allowed to continue under the same name due to her last name being Smith also. The Board accepted the request.



Compliance Issue #1

The Board received an article from the Athens Messenger about how expensive funerals can be in today's society and how poor people are dealing with the often unexpected expense of paying for a funeral. A woman in Athens County plans to create a program out of the Friends and Neighbors Community Food Center called the Appalachian Burial Service, where the goal is to provide low cost funerals for poor people. The facility would include a workshop for the construction of low-cost coffins. The group plans to identify less-costly burial plots outside of Athens County, seek people to help dig graves, work with churches for funeral services for non-members, and to work with funeral homes for discounted or less-costly options.



Compliance Issue #2

The Board reviewed an advertisement from the Jardine Funeral Home. The Board determined that the advertisement was in compliance.

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The Board meeting recessed at 5:07 P.M.

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Tuesday – June 21, 2011

The Board reconvened at 9:05 A.M. in the Riffe Center in Columbus, Ohio. President Robert Wasko presided. Present were Linda M. Betzer, Robert C. Carter, Thomas Fleming, Roger Primm, Ty Marsh, Pamela Williams-Briggs and staff members present were: Eric E. Anderson, Inspector; Lisa A. Bruns, Inspector; Jennifer Baugess, Administrative Assistant; and Malik M. Hubbard, Executive Director.

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The Board entered into a discussion about the National Funeral Directors Associations new method for monitoring of continuing education credits electronically. The Board had no issues with this new method of monitoring.

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#### Compliance

Monthly inspector reports were given by inspectors Eric Anderson and Lisa Bruns for the month of May 2011. Reports are attached.

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#### Compliance Motion #5

On a motion by Mr. Primm, seconded by Ms. Betzer the Board voted to table the motion for 30 days for further investigation. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed

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#### Compliance Motion #7

On a motion by Mrs. Williams-Briggs, seconded by Mr. Fleming the Board voted to withdraw the following motion from April 18, 2011 because licensee had been ill and not worked since 2007. She claimed that she previously submitted appropriate paperwork for waivers. A letter from her and waiver forms for the last and current compliance periods have been submitted. Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed

Previous April 18<sup>th</sup>, 2011 motion - “On a motion by Mrs. Williams-Briggs, seconded by Mr. Fleming the Board voted to charge Ruth Detchon (FD 008238) with violating 4717.14(A)(4) the applicant or licensee has committed immoral or unprofessional conduct, specifically for failing to respond to the CE audit for compliance period January 1, 2009 – December 31, 2010. The Board ordered a forfeiture of \$500.00. Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed”

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On a motion by Ms Betzer, seconded by Mr. Carter the Board entered into executive session pursuant to Section 121.22(G)(3) of the Revised Code to confer with the Board’s counsel to discuss imminent and/or pending litigation at 10:52AM. . Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye.

The President declared the Board out of Executive Session at 11:38AM.

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On a motion Ms. Betzer, seconded by Mr. Fleming the Board voted to rescind the following motion from the Board meeting held May 16<sup>th</sup>, 2011 and instructed staff to send a letter to the Ibnu Taymiyya Mosque letting them know that under section 4717.12(B) of the Ohio Revised Code their facility is not required to be licensed as a funeral home and their application and fees will be returned. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Nay. Motion passed.

May 16<sup>th</sup>, 2011 Motion - "On a motion by Ms. Betzer seconded by Mr. Fleming, the Board voted to approve the following application pending receipt of occupancy permit and final inspection. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Primm, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion approved."

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The Board entered in on a discussion about an "official opinion" request sent to the Attorney General's office regarding licensing of religious facilities as funeral homes. The Board instructed the Assistant Attorney General to inform the Attorney General that the request was not authorized by the Board and to withdraw the opinion request.

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#### Continuing Education

The following motions involve the continuing education programs considered by the Board during the June 2011 meeting, and are posted on the Board's website under Continuing Education.

On a motion by Mr. Fleming, seconded by Mr. Primm, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 7. Nays: 0. Motion approved.

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On a motion by Mr. Carter, seconded by Mr. Marsh, the Board acknowledged, the Blanket with date continuing education programs that were previously approved. Ayes: 7 Nays: 0. Motion approved.

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On a motion by Ms. Betzer, seconded by Mr. Carter, the Board approved, and where indicated denied, the Blanket Approval of continuing education programs. Ayes: 7. Nays: 0. Motion approved.

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On a motion by Mr. Fleming, seconded by Mr. Carter the board voted to grant Cincinnati College of Mortuary Science four hours of Continuing Education credit for Preceptors in their Funeral Service Co-op program for 5<sup>th</sup> Quarter students limiting the amount of possible CE credits earned to eight per compliance period. Ayes: 7. Nays: 0. Motion Passed.

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On a motion by Ms. Betzer, seconded by Mr. Primm, the Board approved, and where indicated denied, the individual continuing education programs. Ayes: 7. Nays: 0. Motion approved.

On a motion by Mr. Carter, seconded by Ms. Betzer the Board approved the individual approval group continuing education programs of the Kentucky Funeral Directors Association Convention submitted by Steven Farus and the New Jersey Funeral Directors Convention submitted by Matthew Farus pending proof of attendance. Ayes: 7. Nays: 0. Motion passed.

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On a motion by Mr. Primm, seconded by Ms. Betzer, the Board granted the waiver application of Ms. Ruth M. Detchon for 2009-2010. Ayes: 7. Nay: 0. Motion Approved

◆◆◆◆◆

On a motion by Ms. Betzer, seconded by Mr. Fleming, the Board granted the exemption application of Ms. Ruth M. Detchon for 2011-2012. Ayes: 7. Nay: 0. Motion Approved

◆◆◆◆◆

On a motion by Mr. Carter, seconded by Mr. Primm, the Board approved the 50 year Exemption for continuing education for Mr. Thomas D. Phillips dual license (DUAL 006257). Ayes: 7. Nay: 0. Motion Approved

◆◆◆◆◆

The Board reviewed a letter from Mr. Bert R. Tomon requesting a refund for a payment made for his embalmer and funeral director licensing fees and late penalties of \$330.00. He also requested that after returning the fees that his licenses be terminated. In order for his licenses to become active he must submit a late penalty of an additional \$50.00. The Board instructed staff to send a letter informing Mr. Tomon that the Board does not return licensing fees and his licenses would remain inactive until the additional fee of \$50.00 is received by the Board.

On a motion by Mr. Carter, seconded by Mrs. Williams-Briggs, the Board meeting adjourned at 12:05 P.M.

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Robert J. Wasko, President

Attest: \_\_\_\_\_  
Pamela Williams-Briggs, Secretary-Treasurer

Time period start: June 20, 2011 end: 7/15/2011 Board Meeting 18-Jul-2011 FY 2012

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total
Board Meeting	2,789												2,789
mileage	0												0
apprentices													0
<i>Inspections - Annual</i>													<i>completed</i>
Crem Fac	52												2
Emb Fac	2												0
FH	613												40
Total	667	0	0	0	0	0	0	0	0	0	0	0	42
													<i>remaining</i>
													50
													2
													573
													625
<i>Inspections - Follow-up</i>													<i>completed</i>
Crem Fac	0												0
Emb Fac	0												0
FH	0												0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Inspections - New Facility</i>													<i>completed</i>
Crem Fac	0												0
Emb Fac	0												0
FH	0												0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Investigations	9												9
Violations	0												0
Bd meetings	2												2
Bd office	2												2
Hearings													0
Training													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

Inspector Anderson  
Reporting Period  
June 20, 2011 through July 15, 2011  
July 18-19, 2011 Board Meeting

A	B	C	D	E	F	G
Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20110622	FISCHER FUNERAL HOME	Coshocton	Jesse Fischer	Annual Inspection	In Compliance
2	20110622	FISCHER FUNERAL HOME INC	Knox	No one available	Annual Inspection	
3	20110622	FREE FUNERAL HOME	Coshocton	Ken Free	Annual Inspection	In Compliance
4	20110622	GIVEN-DAWSON FH	Coshocton	Todd Witchey	Annual Inspection	In Compliance
5	20110622	MILLER FH	Coshocton	Jim Lapp	Annual Inspection	In Compliance
6	20110623	BUNDY-LAW FH INC	Guernsey	Jim Law	Annual Inspection	In Compliance
7	20110623	GIVEN-DAWSON FH	Coshocton	No one available	Annual Inspection	
8	20110627	BISSLER & SONS CREMATORY	Portage	Richard Bissler	Annual Inspection	In Compliance
9	20110627	BISSLER & SONS FUNERAL HOME	Portage	Richard Bissler	Annual Inspection	In Compliance
10	20110627	GEDNETZ-RUZEK FUNERAL HOME	Mahoning	Mark Brown	Annual Inspection	In Compliance
11	20110627	DEAN S FUNERAL HOME	Mahoning	Obtained Key/ Walked Thru	Annual Inspection	In Compliance
12	20110627	LANE FUNERAL HOME	Mahoning	Ceryl Thompson	Annual Inspection	In Compliance
13	20110627	ROSSI-LELLIO FH	Mahoning	Frank Lellio	Annual Inspection	In Compliance
14	20110628	ARBAUGH-PEARCE-GREENISEN F H INC	Columbiana	No one available	Annual Inspection	
15	20110628	STARK MEMORIAL INC	Columbiana	Russell Louden	Annual Inspection	In Compliance
16	20110628	CUNNINGHAM-BECKER FUNERAL HOME	Mahoning	Dan Belish	Annual Inspection	In Compliance
17	20110628	BROWN FUNERAL HOME	Columbiana	Obtained Code/ Walked Thru	Annual Inspection	In Compliance
18	20110628					

Inspector Anderson  
Reporting Period  
June 20, 2011 through July 15, 2011  
July 18-19, 2011 Board Meeting

	A	B	C	D	E	F	G
	Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20110628	FH 002985	WARRICK-KUMMER-RETTIG FH	Columbiana	Ellen Rettig	Annual Inspection	In Compliance
19	20110628	FH 002986	WOODS-RETTIG FH	Columbiana	No one available	Annual Inspection	
20	20110629	FH 002088	BYERLY-LINDSEY FUNERAL HOME	Ashland	Walt Lindsey	Annual Inspection	In Compliance
21	20110706	FH 001753	ALEXANDER FUNERAL HOME	Holmes	James Alexander	Annual Inspection	In Compliance
22	20110706	FH 002468	SCHLABACH FUNERAL HOME	Wayne	Susan Schlabach	Annual Inspection	In Compliance
23	20110706	FH 002478	MURRAY FUNERAL HOME INC	Wayne	Obtained Key/ Walked Thru	Annual Inspection	In Compliance
24	20110706	FH 003018	SMITH-VARNS FH	Tuscarawas	Donna Smith	Annual Inspection	In Compliance
25	20110707	FH 000033	MARCY FUNERAL HOME INC	Ashtabula	Kori Marcy	Annual Inspection	In Compliance
26	20110707	FH 001692	THOMPSON-SMITH FUNERAL HOME	Ashtabula	Eric Nesbitt	Annual Inspection	In Compliance
27	20110707	FH 001810	RAISIAN FUNERAL HOME	Ashtabula	Joe Raisian	Annual Inspection	In Compliance
28	20110707	FH 002038	CHILDS WILLIAMS FUNERAL HOME	Ashtabula	No one available	Annual Inspection	
29	20110707	FH 002515	BAUMGARDNER FUNERAL HOME	Ashtabula	Obtained Key/ Walked Thru	Annual Inspection	In Compliance
30	20110707	FH 002557	ZABACK-DUCRO FUNERAL HOME	Ashtabula	Unlocked/ Walked Thru	Annual Inspection	In Compliance
31	20110707	FH 002838	FLEMING & BILLMAN F DIRECTORS INC	Ashtabula	Unlocked/ Walked Thru	Annual Inspection	In Compliance
32	20110707	FH 002850	CZUP FH	Ashtabula	Unlocked/ Walked Thru	Annual Inspection	In Compliance
33	20110708	CREM 000028	ASHTABULA COUNTY CREMATION SERVICE	Ashtabula	Kathleen Shafer	Annual Inspection	In Compliance
34	20110708	FH 000028	DUCRO FUNERAL SERVICES	Ashtabula	Kathleen Shafer	Annual Inspection	In Compliance
35	20110708	FH 000028	DUCRO FUNERAL SERVICES	Ashtabula	Kathleen Shafer	Annual Inspection	In Compliance

Inspector Anderson  
Reporting Period  
June 20, 2011 through July 15, 2011  
July 18-19, 2011 Board Meeting

	A	B	C	D	E	F	G
	Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20110708	FH 001689	POTTI LAKESIDE CHAPEL	Ashtabula	Ruth Potti	Annual Inspection	In Compliance
36							
37	20110708	FH 002157	GUERRIERO FUNERAL HOME INC	Ashtabula	No one available	Annual Inspection	
38	20110714	FH 000783	EWING FUNERAL HOME	Meigs	No one available	Annual Inspection	
39	20110714	FH 001646	BIRCHFIELD FUNERAL HOME	Meigs	Unlocked/Walked Thru	Annual Inspection	In Compliance
40	20110714	FH 001969	CREMEEENS FUNERAL HOME	Meigs	Kenda Smith	Annual Inspection	In Compliance
41	20110714	FH 002994	ANDERSON-MCDANIEL FH	Meigs	Adam McDaniel	Annual Inspection	In Compliance
42	20110714	FH 002998	FISHER-ANDERSON-MCDANIEL FH	Meigs	RA Boyer	Annual Inspection	In Compliance

Time period start: 6/13/2011 end: 7/15/2011 Board Meeting July 18-19, 2011 FY 2012

Board Meeting	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total
mileage	468	0											468
apprentices	0												0
<i>Inspections - Annual</i>													<i>completed</i>
Crem Fac	56	2											54
Emb Fac	0	0											0
FH	553	17											536
Total	609	19	0	0	0	0	0	0	0	0	0	0	19
<i>Inspections - Follow-up</i>													<i>completed</i>
Crem Fac	0												0
Emb Fac	0												0
FH	1												1
Total	1	0	0	0	0	0	0	0	0	0	0	0	1
<i>Inspections - New Facility</i>													<i>completed</i>
Crem Fac	0												0
Emb Fac	0												0
FH	1												1
Total	1	0	0	0	0	0	0	0	0	0	0	0	1
Investigations	78												78
Violations	2												2
Bd meetings	2												2
Bd office	11												11
Hearings	0												0
Training	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

Inspector Bruns  
Reporting Period  
June 13, 2011 through July 15, 2011  
July 18-19, 2011 Board Meeting

	A	B	C	D	E	F	G
	Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20110613	FH 003082	DAVID R JASIN-HOENING FH	Lucas	Jennifer J. Jasin	Annual Inspection	In Compliance
2	20110613	FH 002368	EGGLESTON MEINERT PAVLEY FH	Lucas	Terry Breymaier	Annual Inspection	In Compliance
3	20110613	FH 002599	FRECK FUNERAL CHAPEL	Lucas	Bianca Freck	Annual Inspection	In Compliance
4	20110613	FH 003111	HOEFLINGER-BOLANDER FH	Lucas	Joseph Dwornick	Annual Inspection	In Compliance
5	20110614	FH 001246	ANSBERG-WEST FUNERAL HOME INC	Lucas	Todd Ansborg	Annual Inspection	In Compliance
6	20110614	FH 003106	BLANCHARD-STRABLER FH	Lucas	James Strabler	Annual Inspection	2 Violations
7	20110614	FH 000708	FOTH-DORFMEYER MORTUARY INC	Lucas	Susan Dorfmeier Strup	Annual Inspection	In Compliance
8	20110614	FH 002980	GASIOROWSKI-HANNEMAN FH	Lucas	Thomas Cook	Annual Inspection	In Compliance
9	20110614	FH 002454	NEWCOMER FH	Lucas	Samantha Waltermeyer	Annual Inspection	In Compliance
10	20110614	CREM 000097	QUALITY FUNERAL CHOICES	Lucas	No One Available	Annual Inspection	
11	20110614	FH 000719	REEB FUNERAL HOME	Lucas	George Reeb	Annual Inspection	In Compliance
12	20110614	FH 002934	SUJKOWSKI FH	Lucas	Amber R. Stranyak Reese	Annual Inspection	In Compliance
13	20110614	CREM 000140	TOLEDO MEMORIAL PARK	Lucas	Joe Rodgers	Annual Inspection	In Compliance
14	20110614	FH 003036	URBANSKI FH LTD	Lucas	No One Available	Annual Inspection	
15	20110615	FH 003176	JOHN HODAPP SONS INC	Butler	John Hodapp	Initial Inspection	In Compliance
16	20110615	FH 003046	DOWLING FH	Lucas	John E. Dowling	Annual Inspection	In Compliance
17	20110615	FH 000716	GEOFFREY ALAN WELLS FUNERAL HOME	Lucas	Michele Wells	Annual Inspection	In Compliance PreNeed Unavailable

Inspector Bruns  
Reporting Period  
June 13, 2011 through July 15, 2011  
July 18-19, 2011 Board Meeting

	A	B	C	D	E	F	G
	Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20110615	FH 003116	NEVILLE FH	Lucas	No One Available	Annual Inspection	
19	20110615	FH 002158	PEINERT FUNERAL HOME	Lucas	No One Available	Annual Inspection	
20	20110615	FH 000331	PEINERT FUNERAL HOMES	Lucas	Angie Peinert Weber	Annual Inspection	In Compliance
21							

Board meeting: 7/18/2011 FY 2011

Actual month collected	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Fiscal Year
<i>registrations</i>													<i>total</i>
embalmer	3	3	4	5	4	0	15	5	3	4	2	4	52
funeral director	0	5	6	4	5	4	14	6	5	6	4	5	64
<b>total</b>	<b>3</b>	<b>8</b>	<b>10</b>	<b>9</b>	<b>9</b>	<b>4</b>	<b>29</b>	<b>11</b>	<b>8</b>	<b>10</b>	<b>6</b>	<b>9</b>	<b>116</b>

<i>certified apprentices</i>													<i>total</i>
embalmer	6	4	2	4	7	0	11	4	4	3	6	4	55
funeral director	3	6	5	4	7	4	12	5	4	6	6	7	69
<b>total</b>	<b>9</b>	<b>10</b>	<b>7</b>	<b>8</b>	<b>14</b>	<b>4</b>	<b>23</b>	<b>9</b>	<b>8</b>	<b>9</b>	<b>12</b>	<b>11</b>	<b>124</b>

<i>Embalmers apprentice Reports</i>													<i>total</i>
quarterly reports	84	37	85	74	68	73	79	56	67	133	243	121	1120
master reports	14	6	14	12	11	12	13	9	11	22	40	20	184
Board Member interview	4	1	3	2	7	4	3	2	6	2	14	4	52
<b>total</b>	<b>102</b>	<b>44</b>	<b>102</b>	<b>88</b>	<b>86</b>	<b>89</b>	<b>95</b>	<b>67</b>	<b>84</b>	<b>157</b>	<b>297</b>	<b>145</b>	<b>1356</b>

<i>Funeral Director apprentice Reports</i>													<i>total</i>
quarterly reports	131	56	176	129	93	164	177	103	139	180	319	192	1859
master reports	20	8	29	21	15	27	29	17	23	30	53	32	304
Board Member interview	6	4	5	4	9	5	5	5	11	5	18	7	84
<b>total</b>	<b>157</b>	<b>68</b>	<b>210</b>	<b>154</b>	<b>117</b>	<b>196</b>	<b>211</b>	<b>125</b>	<b>173</b>	<b>215</b>	<b>390</b>	<b>231</b>	<b>2247</b>

<i>new license issued</i>													<i>total</i>
embalmer	8	1	3	0	5	2	4	1	5	1	5	2	37
funeral director	6	1	5	1	8	6	5	4	6	1	8	4	55
<b>total</b>	<b>14</b>	<b>2</b>	<b>8</b>	<b>1</b>	<b>13</b>	<b>8</b>	<b>9</b>	<b>5</b>	<b>11</b>	<b>2</b>	<b>13</b>	<b>6</b>	<b>92</b>

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

# PAMELA WILLIAMS-BRIGGS

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Member of State Board of Embalmers  
& Funeral Directors of Ohio

June 19, 2011

Statement of Opinion

Re: May Board Meeting of  
State Board of Embalmers  
& Funeral Directors

I would like to take this time to thank President Wasko for allowing me to add my statement to the board records of the May meeting.

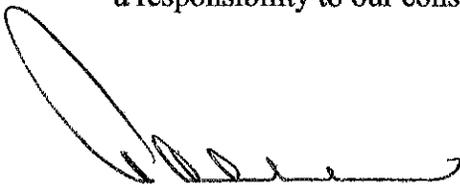
As a member of the CEU Committee and the presenter of the monthly report, I made no comment about actions taken at the last meeting. After returning home our action bothered me.

When we denied CEU's for groups wanting approval to offer seminars on Alkaline Hydrolysis my opinion is we crossed the line into censorship.

I understand the board is in litigation on this subject, but as a board I don't believe it is our job or responsibility to censor the information our colleagues receive. We the board have always stated that CEU's will be granted as long as it is funeral related. No matter where, how far, or how off the wall we might think it sounds we have approved the units.

Funeral directors have the right to receive information on new processes and materials in the industry.

Let it be clear that we value our attorney's legal advise, but not only does this board have a responsibility to our consumer/community but also to our industry.



Pamela Williams-Briggs  
6.20.2011