

Monday – September 19, 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, and Pamela Williams-Briggs. Staff Members present were: Cheryl R. Hawkinson, 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. Carter, the Board approved, as amended, the minutes of the meeting held on August 15-16, 2011. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mr. Fleming, seconded by Mrs. Williams-Briggs, the Board approved, as amended, the minutes of the Emergency meeting held on August 23, 2011. Ayes: 3. Nays: 0. Abstentions: 2. Motion approved.

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Executive Director's Report

The Executive Director reported on the current Budget allocation concerning the Board

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The Executive Director reported that an Emergency meeting was held on August 23, 2011 at Williams Funeral Services in Mansfield, Ohio to vote on the application of Triplett Funeral Home. The Board met the quorum requirements and voted to grant a funeral home license to Triplett Funeral Home. Board members present were Pamela Williams-Briggs, Robert C. Carter, Thomas Fleming, and Ty Marsh.

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The Executive Director gave a progress report on the apprentice application process to accommodate the new rules that will take effect January 1, 2012.

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The Executive Director submitted to the Board several news articles regarding the funeral industry. Articles are attached.

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The Executive Director reported that on Tuesday October 4th, 2011 the Indiana Funeral Directors Association will hold a meeting to further discuss the "Courtesy Card" between the bordering states of Ohio that was discussed in Kentucky in May.

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The Executive Director reported that on Wednesday October 5th, 2011 OFDA will hold an Apprentice Seminar. Mr. Fleming, Jennifer Baugess, and Malik Hubbard will attend.

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The Executive Director reported that on October 29th, 2011 Sibley-Murray-Wellington Funeral Home is having a day workshop for licensees to obtain Continuing Education Credit at the Bread of Life Church of God in Christ Fellowship Hall in Youngstown, Ohio. They have requested that a representative of the Board come to deliver a 50 minute lecture on a subject of their choosing for continuing education credit.

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The Executive Director reported that the National Funeral Directors Association will hold their national convention at the McCormick Place Lakeside Center in Chicago, IL. October 23-26, 2011. Information available at <http://chicago2011.nfda.org/>



Licensure

On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to approve the following application for a funeral home license for the existing facility for the purpose of leasing space. Ayes: 4. Nays: 1. Motion approved.

Chart 1

<u>License no.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH 003188	Hughes FH	Cincinnati	08-25-11



On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to approve the following applications for a funeral home license for the existing facility because of change in ownership. Ayes: 5. Nays: 0. Motion approved.

Chart 2

<u>License no.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH 003189	Lane FH Anstrom-Velker Chapel	Youngstown	05-07-09
FH 003190	Watters FH	Woodsfield	05-13-11
FH 003191	Watters FH	Summerfield	05-13-11



On a motion by Ms. Betzer, seconded by Mr. Carter, the Board approved the applications for a funeral home license pending receipt of occupancy permit and final inspection. Ayes: 5. Nays: 0. Motion approved.

Chart 3

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Cremeens – King FH	Pomeroy	Meigs
Davis – Becker FH	Boardman	Mahoning
Lane FH, Anstrom Chapel	Boardman	Mahoning



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 4

<u>License no.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Issue Date</u>
FH 003187	Brown FH	Cincinnati	08-25-11



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



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



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.



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



On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to grant an embalmer and/or funeral director license to the qualified applicants. Ayes: 5. Nays: 0. Motion Approved

Chart 5

<u>License no.</u>	<u>Name</u>	<u>Location</u>	<u>Issue date</u>
EMB-9452A FD-9495	Drew C. DeVore	Weston	09-19-11
EMB-9453A FD-9496	Rebecca L. Elmer	Kettering	09-19-11
EMB-9454 R FD-9497	Tyler J. Jamison	Coshocton	09-19-11
EMB-9455 A FD-9498	Matthew J. Pavley	Oregon	09-19-11
EMB-9456 A FD-9499	Nicholas A. Quinones	Enon	09-19-11
EMB-9457 A FD-9500	Brett A. Tscherne	Oregon	09-19-11



The Board reviewed a list of individuals, who were issued embalmer and/or funeral director registration numbers during the month of Aug2011.

Chart 6

<u>License no.</u>	<u>Name</u>	<u>Location</u>	<u>Issue date</u>
FD-0608	Deborah J. Patton	North Olmsted	08-03-11
FD-0609	Krystine A. Rousseau	Dayton	08-10-11
EMB-0410 FD-0610	Gloria D. Sallee	Dublin	08-25-11



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

Chart 7

<u>License no.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>City</u>	<u>Effective Date</u>
EMB-0395 FD-0586	Crawford, Scott	Evans Funeral Home	Columbus	08-15-11
EMB-0407 FD-0603	Duncan, Jordan	Strawser FH	Blue Ash	08-01-11
EMB-0406 FD-0602	Harter, Kevin	Schmidt-Dhonau-Kucner FH	Reading	08-22-11
EMB-0428	Stroup, Susan	Belton-Stroup FH	Fairborn	08-15-11

FD-0598				
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Person Before the Board

The Board reviewed a letter from Timothy J. Fox. Mr. Fox was a funeral director in Ohio who let his license lapse nine years ago. Mr. Fox is seeking to have the Board grant him a payment arrangement that would allow him to pay his penalty fees and renewal fees of \$6,490. Mr. Fox addressed the Board explaining his financial hardship. Mr. Fox has already taken and passed the Ohio Laws and Rules exam.

On a motion by Ms. Betzer, seconded by Mr. Carter the Board voted to allow Mr. Fox a payment arrangement of 24 months to pay his license fees and penalties in full while serving as a funeral director. The Board instructed the staff to send Mr. Fox information about the Continuing Education requirements. Ayes: 5. Nays: 0. Motion Approved

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The Board reviewed a letter from Mr. David L. Morehouse. Mr. Morehouse has completed all of the requirements to be licensed as an embalmer; however Mr. Morehouse has not successfully passed the Arts section of the National Board exam to allow him to receive his funeral director license. Mr. Morehouse made a request of the Board to grant him his embalmers license and allow him to work as an embalmer as he studies and retakes the Arts exam.

On a motion by Mr. Fleming, seconded by Ms. Betzer the Board voted to grant Mr. Morehouse an Embalmers License and will grant a Funeral Directors license upon passing the Arts exam. Ayes: 5. Nays: 0. Motion Approved

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Mrs. Linda Clark reported that in the month of August there were 1 embalmer and 3 funeral director registrations. There were 6 embalmer and 4 funeral director certified apprentices. There were 116 Embalmer apprentice reports, 19 Embalmer master reports for apprentices and 15 Board member apprentice interviews. There were 202 Funeral Director Apprentice reports, 33 Funeral Director Master Reports and 15 Funeral Director interview reports.

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Mrs. Clark reported that there were 6 new embalmer licenses issued and 6 funeral director licenses issued for the month of August, 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 \$11,154.50 in August for a total of \$15,602.00 in FY12. The Board reviewed a list of twenty-two vouchers and encumbrances for August, and the Budget Overview chart of allotments and expenses.

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Compliance

Monthly inspector reports were given by inspectors Eric Anderson and Lisa Bruns for the month of August 2012. Reports are attached.

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Mr. Marsh joined the meeting at 2:15PM

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Mrs. Baugess reported that there are nineteen pending complaints and twenty-five charged complaints.

The Board received forfeitures from the following:

\$2,500 Staley-Crowe (complaint #1101493)

\$500 Porter-Qualls (complaint #1105127)

Mrs. Baugess reported that there are six hearings scheduled and eight to be scheduled. There was one adjudicative hearing report and recommendation received with five outstanding.

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Mrs. Baugess reported that OFDA Master's training will take place on November 8, 2011. The Program has been altered to allow for an hour presentation from the Board/staff. Staff members will attend to make a presentation. The list of staff members to attend are TBD.

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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 August.

Chart 7

Lic Number	Facility Name	Licensee by Last Name	Type	County
FH002479	McMahon-Coyne-Vitantonio FH	Previte Anthony	MGR	Lake
FH002629	Selby-Simpson FH	Morrow Patrick	MGR	Trumbull
FH002629	Selby-Simpson FH	Morrow Patrick	AIC	Trumbull

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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 Mr. Marsh, seconded by Mr. Fleming, the Board voted to close seven investigative complaints. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 2*

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers on the hearing held March 18, 2011 involving Dudley J. Murphy (FD 007685).

Motion by Ms. Betzer, seconded by Mr. Marsh to approve the Hearing Officer's Finding of Facts. Roll Call Vote: Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

Motion by Ms. Betzer, seconded by Mr. Fleming to approve the Hearing Officer's Conclusions of Law. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

Motion by Ms. Betzer, seconded by Mr. Marsh, the Board voted to approve the Hearing Officer's recommendation to deny the 2011 – 2012 funeral director renewal license of Dudley J. Murphy (FD 007685), but rejects the portion of the recommendation that requires the Board to grant a license in 2013-2014.
Roll Call Vote: Betzer, Aye; Carter, Nay; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

Order of the Board: The 2011-2012 funeral director renewal application of Dudley J. Murphy (FD 007685) is denied and he may re-apply for the 2012-2013 license period upon satisfactorily meeting all conditions of his criminal sentence.

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Compliance Motion No. 3*

On October 18, 2010 the Board voted to suspend the embalmer license (EMB 008371) and funeral director license (FD 008027) of Marlan J. Gary for a period of 30 days beginning November 9, 2010 and ending December 8, 2010.

That suspension was appealed to the Franklin County Court of Common Pleas by Marlan J. Gary. The Court issued a decision and final judgment affirming the 30 day suspension.

On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board voted to suspend the Embalmer license (EMB 008371) and Funeral Director license (FD 008027) held by Marlan J. Gary for a period of 30-days beginning February 6, 2012. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Nay; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Approved.

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Compliance Motion No. 4*

On a motion by Mr. Carter, seconded by Ms. Betzer, the Board voted to charge Robert O. Tate Jr. (FD 007407) and Tate Funeral Service (FH 003054) for violation of R.C. 4717.14 (A)(4) for committing immoral or unprofessional conduct and R.C. 4717.14 (A)(5) for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing, specifically for allowing Gerald Polk to service the family of Ralph R. Sewell by making funeral arrangements and conducting funeral services. Gerald Polk is not licensed as a funeral director in the State of Ohio. The Board ordered a forfeiture of \$5000.00. 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 No. 5*

On a motion by Mr. Carter, seconded by Ms. Betzer, the Board voted to charge Mark L. Kacirek (FD 006347) and Kacirek Funeral Home (FH 003073) for a violation of R.C. 4717.14 (A)(4) as it incorporates Rule 4717-1-18 (F) of the Administrative Code, specifically for failing to properly deposit payments for the preneed contracts of Martha Hicks within thirty days with a designated trustee or insurance company; and for violating Ohio Administrative Code 4717-1-25 by failing to report all preneed funeral contracts on the Annual Preneed Funeral Contract Report. The Board ordered a forfeiture for a second offense of \$10,000.00. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 6*

On a motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to charge Charles E. Watson (FD 005722) and Watson's Funeral Home Inc. (FH 002013) for a violation R.C. 4717.14 (A)(4) for committing immoral or unprofessional conduct, specifically for the delay in refunding the excess insurance proceeds from the death of Henry Boone to his nephew, Randolph Stokes. Watson's Funeral Home received payment by various insurance companies by March 15, 2011, however, the full refund wasn't made until August 2011. The Board ordered a forfeiture of \$500.00. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Nay; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 7*

On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board voted to charge Gregory S. Brown (FD 007823) and Brown Funeral Home (FH 003187) for a violation of R.C. 4717.14 (A)(10) by misleading the public by using false or deceptive advertising, specifically by listing the following locations on the funeral home website as "Opening Soon":

Montgomery Road & Ronald Reagan Highway, Montgomery
Vine Street & Paddock Road, Carthage

The Board ordered a forfeiture of \$5000.00. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Absent; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Mr. Fleming exited the meeting at 4:15PM.

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Compliance Motion No. 8*

On a motion by Mr. Marsh, seconded by Mr. Carter, the Board voted to charge Hugh P. Gavin (FD 007877) and Magetti Gavin Funeral Home Inc. (FH 001704) for a violation of R.C. 4717.14 (A)(4) for committing immoral or unprofessional conduct, specifically the delay in responding to the concerns of the Robert F. Brown family relating to his funeral services. In addition, the family was overcharged for cash advance items, additional staff and travel expenses to obtain the death certificate. The Board ordered a forfeiture of \$500.00. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Absent; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 9*

On a motion by Mr. Marsh, seconded by Mr. Carter, the Board voted to charge Deborah J. Weaver (FD 008652) for a violation of R.C. 4717.14 (A)(4) for committing immoral or unprofessional conduct and R.C. 4717.14 (A)(5) for knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing, specifically for allowing Angie Antimore to arrange the funeral services of Vicki J. Tullos. Angie Antimore is not licensed as a funeral director in the State of Ohio. The Board ordered a forfeiture of \$5000.00. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Absent; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 10*

Motion remained tabled

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Compliance Mail #1

The Board reviewed a letter sent from Ms. Mardell Monreal Imhoff concerning change of firm title for Jack Monreal Funeral Home in Willowick, Ohio. The Board accepted the change of firm title from "Jack Monreal Funeral Home" to "Jack Monreal - Laumer Funeral Home." Mrs. Baugess will inform Ms. Monreal that all signage and advertisements must reflect the new firm title.

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Compliance Mail #2

The Board reviewed a letter sent from Mr. Gregory P. Godorhazy concerning change of firm title for Wellman Funeral Home in Ashville, Ohio. The Board accepted the change of firm title from "Wellman Funeral Home" to "Wellman & Godorhazy Funeral Home." The change will be effective November 1, 2011 Mrs. Baugess will inform Mr. Godorhazy that all signage and advertisements must reflect the new firm title.

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Compliance Mail #3

The Board reviewed a letter sent from Dr. John Freeman concerning change of firm title for Porter-Qualls Funeral Home in Springfield, Ohio. The Board accepted the change of firm title from "Porter-Qualls Funeral Home" to "Porter, Qualls and Freeman Funeral Home" pending Dr. Freeman successfully passing the National Funeral Director exam and be added as the AIC for the funeral home. Mrs. Baugess will inform Dr. Freeman that all signage and advertisements must reflect the new firm title.

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Compliance Issue #1

The Board reviewed an email communication from Mr. T. Scott Gilligan. Mr. Gilligan had some questions about how Funeral Homes are named and what words can be contained in the name of Funeral Homes. The Board directed staff to communicate to Mr. Gilligan that we are in the process of reviewing all of our laws and this particular issue is under review.

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The Board meeting recessed at 4:42 P.M.

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Tuesday – September 20, 2011

The Board reconvened at 9:03 A.M. in the Riffe Center in Columbus, Ohio. President Robert Wasko presided. Present were Linda M. Betzer, Robert C. Carter, Thomas Fleming, Ty Marsh, Pamela Williams-Briggs and staff members present were: Cheryl R. Hawkinson, Assistant Attorney General; Eric E. Anderson, Inspector; Lisa A. Bruns, Inspector; Jennifer Baugess, Administrative Assistant; and Malik M. Hubbard, Executive Director.

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Continuing Education

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

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On a motion by Mr. Fleming, seconded by Mr. Marsh, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 6. Nays: 0. Motion approved.

On a motion by Mr. Fleming, seconded by Mr. Marsh, the Board approved the Prior Approval continuing education programs from NFDA for Introduction to Alkaline Hydrolysis: Understanding the Process and Alkaline Hydrolysis. Ayes: 5. Abstain: 1. 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 Approval of continuing education programs. Ayes: 6. Nays: 0. Motion approved.

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On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board acknowledged, the Blanket with date continuing education programs that were previously approved. Ayes: 6. Nays: 0. Motion approved.

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On a motion by Mr. Carter, seconded by Ms. Betzer, the Board approved the Exemption for continuing education for Mr. Robert L. Mains. Ayes: 6. Nay: 0. Motion Approved.

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On a motion by Mr. Marsh, seconded by Mr. Fleming 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 9:24AM. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye.

The President declared the Board out of Executive Session at 10:38AM.

On a motion by Ms. Betzer, seconded by Mr. Carter, the Board meeting adjourned at 11:04 P.M.

Robert J. Wasko, President

Attest: _____
Linda M. Betzer, Secretary-Treasurer