



State of Ohio Board of Embalmers and Funeral Directors

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MINUTES

77 South High Street, 31st Floor Boardroom

1:06 p.m. Monday, October 15, 2012

The Board of Embalmers and Funeral Directors met in regular session in the Riffe Center at 77 S. High Street in Columbus, Ohio. Ms. Pamela Williams-Briggs, Board President called the meeting to order at 1:06 p.m. Other board members present were Ms. Linda Betzer (absent), Mr. Gregory Boyer, Mr. Robert Carter, Mr. Thomas Fleming, Mr. Ty Marsh and Mr. Robert Wasko. Staff members present were Executive Director Vanessa Niekamp, Eric Anderson, Jennifer Baugess, Linda Clark, Sarah Day, Danny Finrock, and Assistant Attorney General James Patterson.

READING AND CONSIDERATION OF THE MINUTES

On a motion by Mr. Fleming, seconded by Mr. Boyer the board approved the minutes of the meeting held on September 17-18, 2012. *Ayes: 6 Nays: 0. Motion Passed.*

PERSONS BEFORE THE BOARD

Robert A. Garner is a licensed embalmer and funeral director from the state of Kentucky. He came before the board seeking a reciprocal embalmer and funeral director license. Mr. Garner indicated that he has not had any preneed problems and no prior discipline from the state of Kentucky embalmer and funeral director governing board. On a motion by Mr. Marsh and seconded by Mr. Carter the board voted to grant Mr. Garner the opportunity to seek an Ohio reciprocal Embalmer and Funeral Director's License. Mr. Garner must pass the Ohio Laws and Rules Exam. *Ayes: 6 Nays: 0. Motion Passed.*

COMPLIANCE

Ms. Baugess reported that there were seventeen pending complaints and twelve charged complaints pending hearings, settlements, and board orders. Also, Ms. Baugess reported there were five hearings to be scheduled and no hearings were held during the past month. There are no outstanding report and recommendations.

Ms. Baugess reported the new live date for the revised funeral director and embalmer exam is January 1, 2013. It was also reported that Ohio Funeral Directors Association is holding an apprentice seminar on November 1, 2012. Ms. Niekamp and Ms. Baugess are representing the board.

AMENDMENTS TO CHANGE MANAGER and/or AIC/UR October 15-16, 2012 BOARD MEETING Changed 9/1/12 to 9/30/12

Lic Number	Facility Name	Licensee by Last Name	Type	County
FH001270	John H Evans Funeral Home	Evans Andrew	MGR	Clermont
FH001270	John H Evans Funeral Home	Evans Andrew	AIC	Clermont
FH002937	Atkinson-Feucht-Hare FHS	Bryan Jeffrey	MGR	Stark

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.

*MOTION 1:

Motion by Mr. Wasko, seconded by Mr. Fleming, the Board voted to CLOSE **two (2)** investigatory files. Complaint number(s) 1308013 and 1307001 were closed. *Roll call vote: Betzer, absent; Boyer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, absent; Williams-Briggs, Aye. Motion Passed.*

MOTION 2:

On three separate motions, the Board voted on the Hearing Officer's findings of fact, conclusion of law, and recommendations.

Motion to approve the Hearing Officer's findings of facts.

Roll call vote: Betzer, Absent; Boyer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion passed.

Motion to approve the Hearing Officer's conclusion of law.

Roll call vote: Betzer, Absent; Boyer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion passed.

Motion to confirm and approve the Hearing Officer's recommendation.

Roll call vote: Betzer, Absent; Boyer, Aye; Carter, Nay; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion passed.

Wherefore it is ordered: The application of Nicole McKinney-Johnson for registration as a licensed funeral director is denied.

*MOTION 3:

On a motion by Mr. Wasko and seconded by Mr. Boyer the board voted to issue a notice for opportunity for hearing to Robert P. McDermott (FD 007475) and the Robert P. McDermott Memorial Home, Inc. (FH 002361) for a violation of R.C. 4717.14 (A)(4) for unprofessional conduct; specifically, for the actions taken regarding the services provided for Christopher Adam Steffey. These actions include, but are not limited to; miscommunication with the family regarding payment of an urn, not providing a statement of goods and services, delay in monument placement and being late to the service.

Roll call vote: Betzer, Absent; Boyer, Aye; Carter, Nay; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion passed.

*MOTION 4:

On a motion by Mr. Wasko and seconded by Mr. Boyer the board voted to issue a notice for opportunity for hearing to Robert P. McDermott (FD 007475) and the Robert P. McDermott Memorial Home, Inc. (FH 002361) for a violation of R.C. 4717.14 (A)(4) for unprofessional conduct as it incorporates Rule 4717-1-18 (F) of the Administrative Code for the following reason:

1. Failure to submit payments of \$7400.00 to a trust or an insurance company within 30 days of receipt Connie Pykare for her parents prepaid funeral arrangements. Payment was made to the funeral home in September 2011.

Roll call vote: Betzer, Absent; Boyer, Aye; Carter, Nay; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion passed.

*MOTION 5:

On a motion by Mr. Wasko and seconded by Mr. Fleming the board voted an order to pay a forfeiture of \$500.00 to Gregory S. Brown (FD 007823) and Greg Brown Funeral Home (FH 003236) for a violation of R.C. 4717.14 (A)(4) for unprofessional conduct.

Therefore, the Board has proposed a forfeiture of \$500 based upon failure to comply with the requirements of 4717-7-02 (C)(3) of the Administrative Code, by failing to submit an amendment to the funeral home license naming a new manager within thirty days of the filing of the written notification with the board. Written notice was submitted to the Board on August 13, 2012 and the amendment was not received until October 15, 2012.

Roll call vote: Betzer, Absent; Boyer, Aye; Carter, Nay; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion passed.

Compliance Mail 1:

The reviewed a letter from Mr. Robert Greenisen regarding advertising cremation to the public. The board determined that it was acceptable for Mr. Greenisen to use the name Affordable Cremations as an entity of his funeral home. Mr. Greenisen indicated that the name of the funeral home will be noted on all materials for Affordable Cremations.

Compliance Mail 2:

The reviewed a letter from Mr. Robert Greenisen regarding changing the name of the Arbaugh-Pearce-Greenisen Funeral Home in Salem, Ohio to Arbaugh-Pearce-Greenisen and Sons Funeral Home. Ms. Baugess will instruct Mr. Greenisen that effective immediately all signage and advertisements must contain the new name.

Compliance Mail 3:

The board reviewed printouts from the website of Professional Funeral Services. The board expressed concern about the term funeral services. Ms. Baugess will contact them to obtain additional information.

FACILITY INSPECTIONS

A monthly inspector report was submitted by Mr. Eric Anderson for the month of September, 2012. See Attached.

On a motion by Mr. Fleming and seconded by Mr. Boyer the previously tabled Riccardo Capretta matter was removed from the table. Mr. Boyer withdrew his prior motion to terminate Mr. Capretta’s apprenticeship.

LICENSURE OF FACILITIES

There was no application for a crematory facility and no applications for an embalming facility. On a motion by Mr. Carter and seconded by Mr. Boyer, the board voted to approve the following applications for funeral home license for the existing facility for the purpose of change in location and/or ownership. *Ayes: 5 Nays: 0. Motion Passed.*

Existing Funeral Homes – change of location and/or ownership effective Oct. 15, 2012.

License #	Firm Title	Location	Inspection	OWN	LOC

new facility/new building – consideration & approval of paperwork

motion by Mr. Carter, seconded by Mr. Boyer, Board approved following applications for FH license pending receipt of occupancy permit and final inspection by Board Ayes: 5 Nays: 0

Leasing from an Existing Funeral Homes - effective Oct. 15, 2012.

License #	Firm Title	Location	Inspection
FH 003248	Scerba Funeral Home	Cleveland	6/11/12

new facility/new building – consideration & approval of paperwork

On a motion by Mr. Carter, seconded by Mr. Boyer, the Board approved the following application for crematory facility license **pending** receipt of the occupancy permit and final inspection by the Board. Ayes: 5. Nays 0. Motion approved.

Crematory Facility	Location	County
Jardine Cremation Care	Strongsville	Cuyahoga

NO MOTION

Previously, the Board approved the issuance of a crematory facility license to the following **after** approval of the application, receipt of the occupancy permit, and the final inspection. The crematory license no was issued the date of the final inspection. *Issued date of Board Meeting (special case where you are approving the paperwork and the license number issued).

License no.	Crematory facility	Location	Inspection

LICENSURE OF INDIVIDUALS

Previously, the Board approved the issuance of a crematory facility license to the following **after** approval of the application, receipt of the occupancy permit, and the final inspection. The crematory license no was issued the date of the final inspection. *Issued date of Board Meeting (special case where you are approving the paperwork and the license number issued).

On a motion from Mr. Fleming and seconded by Mr. Wasko the board voted to approve initial licenses to the following individuals. Ayes: 6 Nays: 0. Motion Passed.

License #	Name	City	Effective Date
FD009565	Brammer, Shawn	Ashland	October 15, 2012
DUAL009506	Dougan, Joseph	Manassas	October 15, 2012
FD009566	Dougan, Joseph	Manassas	October 15, 2012
DUAL009507	Duncan, Jordan	Evansville	October 15, 2012
FD009567	Duncan, Jordan	Evansville	October 15, 2012
DUAL009508	Haney, Michelle	Cleveland	October 15, 2012
FD009568	Haney, Michelle	Cleveland	October 15, 2012
DUAL009509	Mercier, Denise	Cincinnati	October 15, 2012
FD009569	Mercier, Denise	Cincinnati	October 15, 2012

The board reviewed a list of individuals who were issued embalmer and/or funeral director registration numbers during the month of September 2012.

Registration Number	Name	City	Effective Date
REG00447	Broxterman, Cambridge	Columbus	September 25, 2012
REG00682	Broxterman, Cambridge	Columbus	September 25, 2012
REG00448	Harvey, Sarah	Columbus	September 26, 2012
REG00683	Harvey, Sarah	Columbus	September 26, 2012
REG00680	Phelps, William	Cincinnati	September 24, 2012
REG00445	Raber, Roy	Stow	September 24, 2012
REG00678	Raber, Roy	Stow	September 24, 2012
REG00449	Snyder, Hannah	Mansfield	September 26, 2012
REG00684	Snyder, Hannah	Mansfield	September 26, 2012

REG00446	Tamulonis, Courtney	Boardman	September 14, 2012
REG00679	Tamulonis, Courtney	Boardman	September 14, 2012
REG00681	Zink, Erin	Springfield	September 24, 2012

The board reviewed a list of apprenticeships certified during the month of September 2012.

Certification Number	Name	City	Effective Date
CERT00447	Broxterman, Cambridge	Columbus	September 25, 2012
CERT00682	Broxterman, Cambridge	Columbus	September 25, 2012
CERT00663	Budd, Brian	Ashland	September 4, 2012
CERT00448	Harvey, Sarah	Columbus	September 26, 2012
CERT00683	Harvey, Sarah	Columbus	September 26, 2012
CERT00680	Phelps, William	Cincinnati	September 24, 2012
CERT00445	Raber, Roy	Stow	September 24, 2012
CERT00678	Raber, Roy	Stow	September 24, 2012
CERT00449	Snyder, Hannah	Mansfield	September 26, 2012
CERT00684	Snyder, Hannah	Mansfield	September 26, 2012
CERT00681	Zink, Erin	Springfield	September 24, 2012

Ms. Linda Clark reported in the month of September 2012 there were 5 new embalmer registrations and 7 new funeral director registrations, 4 embalmer certified apprentices and 7 funeral director certified apprentices.

The board recessed at 4:15 p.m.

9:09 a.m. Tuesday, October 16, 2012

The Board of Embalmers and Funeral Directors met in regular session in the Riffe Center at 77 S. High Street in Columbus, Ohio. Ms. Pamela Williams-Briggs, Board President called the meeting to order at 9:10 a.m. Other board members present were Ms. Linda Betzer (absent), Mr. Gregory Boyer (absent), Mr. Robert Carter, Mr. Thomas Fleming, Mr. Ty Marsh, and Mr. Robert Wasko. Staff members present were Executive Director Vanessa Niekamp, Eric Anderson, Jennifer Baugess, Sarah Day, Danny Finrock, and Assistant Attorney General James Patterson.

PERSONS BEFORE THE BOARD

Mr. Thor Triplett appeared before the board to discuss necessary requirements for adding a crematory to his cemetery property. Mr. Triplett is interested in providing low cost direct cremations at a flat rate. He indicated he would not be offering any funeral services. Mr. Triplett is also interested in advertising the crematory and asked the board for guidance. Ms. Niekamp instructed Mr. Triplett to submit a letter detailing exactly what he is seeking the board's guidance. The board decided to discuss Mr. Triplett's inquiry during the November Board Meeting.

EDUCATION COMMITTEE

Mr. Carter reported that the Education Committee met at 4:20 p.m., Monday, October 15, 2012 to review the month's applications. Minutes from the September 17, 2012 meeting were approved.

The following motions involve the continuing education programs considered by the Board during the October 2012 meeting, and are posted on the Board's website under continuing education.

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

On a motion by Mr. Wasko, seconded by Mr. Fleming, the Board approved, and where indicated denied, the Blanket with date continuing education programs that were previously approved. *Ayes: 5 Nays: 0. Motion Passed.*

On a motion by Mr. Wasko, seconded by Mr. Fleming, the Board approved individual continuing education programs for five individuals. *Ayes: 5 Nays: 0. Motion Passed.*

On a motion by Mr. Fleming and seconded by Mr. Wasko approved fifty year continuing education exemptions for George R. Brown II, John H. Evans Sr. and approved an exemption for Katrina Brush. *Ayes: 5 Nays: 0. Motion Passed.*

On a motion by Mr. Fleming and seconded by Mr. Marsh the board voted to approve waivers for Bianca Freck, Mark Williamson, and Cleeland R. Willis. *Ayes: 5 Nays: 0. Motion Passed.*

EXECUTIVE DIRECTOR'S REPORT

Ms. Niekamp reported on fiscal matters. The board members reviewed the revenue journal that reflected the board collected \$9538.01 in revenue for the month of September. The board reviewed a list of vouchers and encumbrances for September 11, 2012 thru October 11, 2012 and a budget overview chart by allotment accounts and expenses.

Ms. Niekamp also reported there has been no further discussion on SB308. However, after speaking with John McGough he expects HB481 to be reintroduced after the Thanksgiving holiday.

Ms. Niekamp reported she attended the FARB Conference in Atlantic City, Florida from October 4-7, 2012. She told the board she would email them her notes and the presentations from the conference.

It was announced that the inspector position was filled and Mr. Troy Seehase who will start on November 5, 2012. Mr. Seehase will be introduced to the board at the November Board Meeting.

The bi-annual license renewals will be mailed on October 22, 2012.

It was noted that the board office will be closed to observe Veterans Day, November 12, 2012.

The next meeting is scheduled for November 13-14, 2012 in Columbus, Ohio.

To close the meeting, Ms. Niekamp reported the annual meeting of The Conference is scheduled for February 27-28, 2013 in Henderson, Nevada. Mr. Anderson and Ms. Niekamp will be attending the meeting and would like to have two board members to attend as well.

Ms. Williams-Briggs reminded the board of the fee increases which will go into effect for 2015-2016 renewal. She also reminded them the November meeting would be held on Tuesday and Wednesday due to the Veteran's Day holiday.

On a motion from Mr. Fleming and seconded by Mr. Carter the board meeting adjourned at 10:39 a.m. *Ayes: 5 Nays: 0. Motion Passed.*

Pamela Williams-Briggs, President

Attest: _____
Robert C. Carter, Secretary-Treasurer