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STATE OF OHIO

BOARD OF EMBALMERS AND FUNERAL DIRECTORS

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Minutes of Board Meeting

Tuesday-Wednesday, February 12-13, 2013

77 South High Street, 31st Floor Board Room

Columbus, Ohio 43215

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Board Members:

- Pamela Williams-Briggs, President
- Linda M. Betzer
- Gregory Boyer
- Robert C. Carter
- Thomas T. Fleming
- Ty D. Marsh
- Robert J. Wasko

Staff Members:

- Vanessa Niekamp, Executive Director
- Danny Finfrock, Fiscal Coordinator
- Jarrod Williams, Operations Coordinator
- Eric E. Anderson, Inspector
- Troy Seehase, Inspector

Legal Representative:

Assistant Attorney General James Patterson

- - -

ARMSTRONG & OKEY, INC.  
 222 East Town Street, 2nd Floor  
 Columbus, Ohio 43215  
 (614) 224-9481 - (800) 223-9481  
 Fax - (614) 224-5724

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1 Tuesday Afternoon Session,  
2 Meeting Convened at 1:02 p.m.

3 - - -

4 CONVENING OF THE BOARD

5 The Board of Embalmers and Funeral  
6 Directors met in regular session. President  
7 Williams-Briggs convened the meeting at 1:02.

8 Roll call was taken by Ms. Niekamp.

9 Board Members Present: Pamela Williams-Briggs,  
10 President; Robert J. Wasko; Linda M. Betzer; Robert  
11 C. Carter; Thomas T. Fleming; Gregory Boyer.

12 Ty D. Marsh currently not present.

13 - - -

14 READING AND CONSIDERATION OF MINUTES

15 President Williams-Briggs asked for  
16 consideration of the minutes. Names of the  
17 individuals for the compliance motions were added and  
18 other corrections; also added the appendices.

19 On a motion by Mr. Fleming, seconded by  
20 Ms. Betzer, the Board approved the minutes. Ayes 6,  
21 Nays 0; Motion passes.

22 Mr. Marsh joins the meeting.

23 - - -

24 PERSONS BEFORE THE BOARD

25 Donald Jordan was scheduled to appear

1 before the Board regarding Master Funeral Directors  
2 Course, did not appear but sent a letter.

3 - - -

4 Brian Eger appeared before the Board,  
5 represented by attorney Don Hicks, regarding license  
6 renewal. He appears based on the information  
7 disclosed on his application to continue his license.

8 In 2004 Mr. Eger was approached by his  
9 employer about investing in a real estate project in  
10 Florida. Mr. Eger attended a meeting, also filled  
11 out a loan application and other documents in order  
12 to assist in investing in this real estate project.

13 This meeting that he attended occurred at  
14 an upscale Akron hotel and there were perhaps 50  
15 others involved. Over time Mr. Eger and  
16 approximately 35 others invested in this Florida real  
17 estate project which was going on in Animosity,  
18 Florida.

19 Ultimately the project failed and there  
20 was an investigation of the managers and the top  
21 operators of this real estate project and they  
22 reviewed the loan application of Mr. Eger and others  
23 and somewhere in the neighborhood of 50 people were  
24 charged federally for false loan documents.

25 Seven or eight months in Mr. Eger entered

1 a guilty plea to a felony level offense in Federal  
2 Court relating to fraudulent documents. Some of the  
3 documents that Mr. Eger had signed were signed in  
4 blank. To his own responsibility he has acknowledged  
5 that he should have read these and not been so  
6 trusting of the operators of this particular real  
7 estate development.

8 As of this time Mr. Eger has not been  
9 sentenced. He entered a guilty plea, technically  
10 there is never a conviction until someone has been  
11 sentenced in a criminal matter.

12 It is expected that Mr. Eger will be  
13 granted probation. This initial involvement in this  
14 project occurred almost nine years ago. It took time  
15 for it to unfold and for the authorities to  
16 understand what the individuals at the top were  
17 doing. No other funeral directors participated.

18 He is coming up on 30 years in the area  
19 of his profession. There has never been any blemish  
20 on his record during that time.

21 There was Board discussion with Mr. Eger.

22 Ms. Niekamp asked a motion whether to  
23 renew or to refuse the renewal based upon information  
24 provided.

25 Ms. Betzer suggested allowing this

1 license to go through but keep it on hold and once  
2 all these legal things are resolved, then go back and  
3 decide whether or not to go for license.

4 Ms. Niekamp stated either issue him a  
5 license and then revoke it at a later date or not  
6 issue the renewal.

7 The Board discussed the matter further.  
8 Mr. Wasko made a motion to renew the license of Brian  
9 P. Eger, seconded by Ms. Betzer. Ayes 7, Nays 0;  
10 Motion passes.

11 - - -

12 Charles A. Kreinik appeared before the  
13 Board regarding a reciprocal license from Maryland.  
14 Mr. Kreinik will be employed by  
15 Berkowitz-Kumin-Bookatz pending the reciprocal. All  
16 paperwork is in order, except still waiting for a  
17 certification from Maryland State Board.

18 It was moved by Mr. Carter, seconded by  
19 Mr. Boyer, that upon the receipt of all the proper  
20 paperwork that Mr. Kreinik be issued an Ohio license  
21 and funeral director and embalming once he has  
22 completed all requirements. Ayes 7, Nays 0; Motion  
23 passes.

24 - - -

25 Scott Gilligan and Matthew Harper

1 appeared before the Board regarding Compliance Motion  
2 No. 21. This dispute arises out of a land  
3 installment contract that was entered into on  
4 November 12, 2008, between Bruce and Velma Gray and  
5 Ken and Jerry Gray.

6                   There was a purchase price of \$125,000.  
7 \$94,510 would be paid in cash, the remainder pursuant  
8 to the contract was paid through funeral merchandise  
9 and services which was credited against the purchase  
10 price. That merchandise and services were provided  
11 pursuant to the contract by Rodenberger Funeral Home,  
12 owned by Ken and Jerry Gray.

13                   At all times Rodenberger has been ready,  
14 willing, and able to supply the goods and services as  
15 laid out in the documents which were made part of the  
16 contract what those goods and services would be.

17                   During the course of negotiating that  
18 contract, the complainants Bruce and Velma were  
19 represented by counsel who reviewed the contract and  
20 also reviewed and revised the funeral contracts in  
21 question. Ken and Jerry at that time were not  
22 represented by counsel.

23                   They entered the agreement, they abided  
24 by the contract. The contract called for a final  
25 balloon payment of the cash amount in late 2011.

1 That was made and so at that point the terms of the  
2 contract had been satisfied.

3 Ken and Jerry were expecting to get their  
4 deed to the property. A new dispute came up between  
5 Bruce and Ken regarding a separate piece of property  
6 that doesn't have to do with the land installment  
7 contract, didn't have do with the pre-need  
8 agreements.

9 Ken and Jerry were occupying a piece of  
10 property with the expectation of buying it from Bruce  
11 and Velma, they got to the point of actually wanting  
12 to close on that. Bruce announced that he was  
13 raising the price. They said we don't want to do  
14 that. They moved out. Bruce and Velma refused to  
15 tender the deed.

16 Negotiations were engaged to try to  
17 resolve the matter, could not, and so in mid-2012 an  
18 action was filed for specific performance to enforce  
19 the contract and get the deed.

20 The Board discussed the issues.

21 Mr. Gilligan suggested the issue is  
22 should these two pre-need agreements for the benefit  
23 of Bruce and Velma set forth in that land contract  
24 have been included in Rodenberger Funeral Home's  
25 annual report.

1                   The Board had discussion on the statute  
2 4717. Mr. Gilligan stated if you fund it by any  
3 means other than insurance or annuity, these are the  
4 things you have to do: You have to identify who the  
5 trustee is; you have to include the notice that the  
6 trustee is going to confirm within 60 days of the  
7 deposit of that money.

8                   Mr. Gilligan continued, none of that is  
9 applicable to a preneed agreement that's put in a  
10 land contract. There is no trustee, there is no  
11 payment of funds that verify deposit. All that is  
12 completely inapplicable to the situation that the  
13 statute is designed for.

14                   Mr. Gilligan further commented the  
15 statute also goes on to then regulate what kind of  
16 disclosures have to be made if we fund with insurance  
17 or annuity, same with 4717.36, it talks about  
18 payments. Everything is geared toward payments and  
19 trust, money put in the trust, money paid to the  
20 consumer, or paid to the funeral home from the  
21 consumer. None of that took place here. There is no  
22 payment. That was made in that land contract. The  
23 question comes down to here is the complaint, here is  
24 that they did not submit these two contracts.

25                   Ms. Niekamp pointed out that the attorney

1 for the other individuals in their complaint made the  
2 arguments that were in front of the Board for  
3 Compliance Motion 21, and had asked for the Attorney  
4 General's opinion regarding those complaints and that  
5 is what is spelled out in the last paragraph of page  
6 3 of the compliance motion.

7           And the opinion ultimately was that the  
8 code spells out specifically what is an acceptable  
9 preneed contract and that there were no provisions  
10 allowed for barter of the property.

11           Mr. Patterson stated both the predecessor  
12 statute and the current statute does contain language  
13 which says the General Assembly intends that this  
14 section is to be construed as a limitation on the  
15 manner in which a person is permitted to accept funds  
16 and prepayment for funeral services.

17           Mr. Patterson felt if a conveyance of an  
18 interest in real estate meets the definition of  
19 what's meant by "funds" or "being funded," then the  
20 statute does limit the manner in which you can fund a  
21 preneed contract to those things enumerated in the  
22 statute, namely as it currently stands, insurance,  
23 annuity, or a trust.

24           There was discussion on the term "fund."

25           There was much discussion by the Board.

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There was a motion by Mr. Carter and seconded by Mr. Betzer, to close Compliance Motion 21, option No. 3. Ayes 5, Nays 2; Motion passes.

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#### COMPLIANCE

It was moved by Mr. Fleming and seconded by Mr. Carter, that the six cases be closed. Ayes 7, Nays 0; Motion passes.

Next was a report and recommendation for consideration regarding the matters of licensure of Hugh P. Gavin as a licensed funeral director in the matter of Magetti Gavin Funeral Home as a licensed funeral home. Members can only consider this report and recommendation based off of the facts in the report and recommendation.

Mr. Patterson advised the Board of administrative procedure law 119 requires that any ruling on an administrative case has to be based only on the evidence presented in that case. Mr. Patterson's advice to the Executive Director was that the Board should first consider the report and recommendation as a separate item based only on the evidence presented at the hearing in that case before the Board turns to any other matters involving the

1 same individual.

2 A motion was moved by Ms. Betzer,  
3 seconded by Mr. Carter, to accept findings of fact.  
4 Ayes 7, Nays 0; Motion passes.

5 A motion was moved by Ms. Betzer,  
6 seconded by Mr. Wasko, to approve the hearing  
7 officer's conclusions of law. Ayes 7, Nays 0; Motion  
8 passes.

9 A motion was moved by Ms. Betzer, seconded by Mr. Carter  
10 to accept the hearing officer's recommendation. Ayes 7,  
11 Nays 0; Motion passes.

12 - - -

13 COMPLIANCE MOTION Nos. 3 through 20 regarding  
14 Funeral Directors, Hugh and Michelle Gavin\* and the  
15 Magetti-Gaving Funeral Home\*, which are the same respondents  
16 as in the report and recommendation in No. 2.

17 Compliance motion Nos. 2 and 4 were  
18 brought to the Board from consumers specifically as  
19 complaints, and then Nos. 5 through 20 are similar  
20 situations but could not be drawn up together because  
21 for each consumer involved there are a litany of  
22 different violations based off of that consumer  
23 specifics.

24 There are four different types of  
25 violations mentioned through the compliance motions,

1 specifically 4717.14(A)(4), for failure to comply  
2 with the Board request during an inspection and  
3 investigation where there was a preneed audit; also  
4 4717.10(A), which specifically is speaking to  
5 reporting the preneeds and for each potential year;  
6 4714.(A)(4), unprofessional conduct, which is a  
7 violation of state or federal law involving  
8 dishonesty, falsification, misrepresentation, deceit  
9 or deception regarding fraud of Homesteaders  
10 Insurance; 4717.14(A)(4) specifically (F),  
11 misappropriation of the preneed funds.

12 Motion moved by Mr. Wasko, seconded by  
13 Ms. Betzer, to take compliance motions 3 through 20  
14 as a group and choose option No. 1 for an opportunity  
15 for hearing.

16 There was discussion by the Board on this  
17 motion. Ayes 7, Nays 0; Motion passes.

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19 There was Board discussion regarding  
20 additional details that in these compliance motions  
21 the Board is dealing with fraud of Homesteaders  
22 Insurance where the funeral director reported  
23 individuals had passed away before they did and some  
24 are still living; some passed away at a much later  
25 date.

1 Both inspectors did a preneed audit and  
2 in the audit identified also used additional  
3 insurance other than Homesteaders and potentially  
4 this same type of scenario is existing with that  
5 other insurance company.

6 COMPLIANCE MOTION 22: This is before the  
7 Board for a possible charge of potentially the  
8 funeral director, William Calhoun\* and/or the Calhoun Funeral Services \*  
9 for a violation of 4717.14(A)(4) and specifically speaking  
10 to that unless the funeral director has knowledge to  
11 the contrary regarding any other information or  
12 statements and this is regarding the ability to  
13 cremate.

14 The Board received the complaint in  
15 September from one of the daughters of the deceased  
16 stating that none of the daughters gave consent to  
17 cremate but a sister of the deceased actually made  
18 the arrangements with the funeral home and paid for  
19 the services.

20 In the funeral home's response to the  
21 complaint it states that the children were aware that  
22 the aunt was making the arrangements and paying for  
23 the service. In addition, the funeral home stated  
24 that two daughters gave consent over the phone during  
25 a phone call they notated in September to an

1 associate administrator employed by the funeral home.

2           The inspector confirmed that the aunt did  
3 sign the consent form and it was not witnessed by the  
4 funeral director, however, the funeral home staff  
5 knew that there were surviving children. One of the  
6 staff members contacted one of the daughters and  
7 claims to have received verbal consent for the  
8 cremation.

9           On the authorization form the aunt  
10 checked the box indicating that she had no knowledge  
11 of other closer relatives with authority, however,  
12 all of the daughters have provided statements to the  
13 effect that they did not give consent and are willing  
14 to testify at a hearing.

15           It was moved by Mr. Carter, seconded by  
16 Mr. Wasko, that option 1, opportunity for hearing, be  
17 selected on this compliance motion. Ayes 7, Nays 0;  
18 Motion passes.

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20           COMPLIANCE MOTION 23: For consideration  
21 to potentially charge funeral director, Tron Rhoden\* and/or funeral  
22 home, Rhoden Memoria\* for a violation of 4717.14(A)(4), specifically  
23 the funeral home delayed in the picking up of the  
24 body and being available to plan the funeral and the  
25 funeral home has failed to provide a death

1 certificate to the family.

2           The details specifically are that the  
3 complaint was filed in December, the complainant is  
4 the son of the deceased and states that the funeral  
5 home did not allow the family to see the deceased,  
6 citing the condition of the body.

7           The funeral home delayed in picking up  
8 the body and being available to arrange the funeral  
9 which forced them into cremation, and has not  
10 delivered the death certificate.

11           A request for information was sent to the  
12 funeral home. Shortly thereafter the funeral  
13 director contacted Ms. Niekamp personally indicating  
14 that he did not know how to respond to the case at  
15 the time. The deadline for the response was  
16 beginning of January. The Board inspector contacted  
17 funeral director for a response and one was then  
18 provided beginning of February.

19           In the response from the funeral home  
20 they state they have not been able to contact the  
21 family of the deceased, are still waiting on the  
22 family to finalize the funeral bill for the  
23 arrangements, and are unable to address the issues in  
24 the complaint until the family decides on what they  
25 want and contacts them directly.



1 during the arrangement conference, the family had to  
2 move the date of the services to wait on a casket,  
3 burial was delayed due to the casket would not fit in  
4 the vault. The casket was leaking at the cemetery.

5 Information from the funeral home  
6 substantiates an oversized casket was ordered. It  
7 was too wide for the outer burial container to encase  
8 it. The funeral director states he discussed with  
9 the family possibly removing the lid of the casket in  
10 order to make the casket fit. The burial was delayed  
11 until another vault was ordered to accommodate the  
12 size of the casket.

13 There are two prior orders of the Board  
14 regarding this funeral director and funeral home:  
15 One is for unprofessional conduct for which a  
16 forfeiture of \$500 was issued along with a ten-day  
17 suspension of the funeral director's license; another  
18 one is for the funeral director and funeral home for  
19 failing to file their annual preneed report and they  
20 were issued a forfeiture of \$500. Both the  
21 forfeitures have been paid.

22 This action was brought specifically for  
23 the delay in the services because during the  
24 investigation it was determined that the funeral home  
25 and funeral director would have passed by this very

1 oversized casket numerous times and it wasn't until  
2 the right before the burial that they thought it  
3 wouldn't fit in the vault.

4               So the inspectors felt that was  
5 negligence on their behalf. Services were delayed.  
6 The funeral home did pay for one attendee at the  
7 funeral for an overnight stay and for change in an  
8 airline ticket to try to accommodate them in getting  
9 the vault.

10               Summarizing, the funeral home  
11 substantiated that an oversized casket was ordered,  
12 that it was too wide to fit the outer burial  
13 container to encase it. They indicated in their  
14 response that they knew they would need a larger  
15 vault; they said that they should have measured it  
16 and did not and that it was off by two inches.

17               On a motion by Mr. Carter, seconded by  
18 Ms. Betzer, for option 2 with the forfeiture of a  
19 minimum of \$7,500. Mr. Seehase discussed further  
20 regarding the price the family was able to pay for  
21 the funeral. Ayes 7, Nays 0; Motion passes.

22   - - -

23               COMPLIANCE MOTION 25: This is an  
24 recommendation to charge funeral director, Patricia Wills\* and the  
25 JW Wills Co/House of Wills\*. At the last Board meeting it was

1 brought to the Board a charge for them failing to  
2 comply with our investigation. Ms. Niekamp asked for  
3 responses numerous times and had not received one.

4 The Board issued them a forfeiture of  
5 \$5,000. They have received and signed for that  
6 notice of the forfeiture so they are aware that the  
7 Board has made that order. They did that on  
8 January 24; as of today they have still not responded  
9 to the Board nor the consumer.

10 This is a consideration of 4717.14(A)(4),  
11 unprofessional conduct, specifically that the funeral  
12 director and the funeral home have failed to respond  
13 to the consumer at all.

14 There also is two other previous orders  
15 of the Board for failing to file annual preneed  
16 reports; in one case they were given a ten-day  
17 suspension, and another case a \$250 forfeiture, and  
18 those are multiple years past.

19 Motion by Mr. Wasko, seconded by Mr.  
20 Carter, that option 2 be charged and that the funeral  
21 director and funeral home be charged with the maximum  
22 forfeiture of \$10,000 per license for a total of  
23 20,000. Ayes 7, Nays 0; Motion passes.

24 - - -

25 COMPLIANCE MOTION 26: Brought before the

1 Board to potentially charge the funeral home.  
2 Funeral director's license is currently indefinitely  
3 suspended with a violation of 4717.14(A)(4),  
4 unprofessional conduct, specifically associated with  
5 misappropriation of need funds.

6                 This funeral director and funeral home  
7 were scheduled for a hearing February 8, and it was  
8 agreed to a continuance on the basis that was  
9 presented to the Board from the funeral home and  
10 funeral director's attorney to continue that hearing  
11 and provided this additional information so that the  
12 Board could consider it with all of the issues of the  
13 case.

14                 This additional information is being  
15 brought before the Board today because they need an  
16 order of the Board before it could be included for  
17 any hearing.

18                 Mr. Patterson stated the attorney for the  
19 funeral home advised that he was going to ask the  
20 hearing officer for a continuance. There were a  
21 couple of grounds for that: One was that he was  
22 providing this additional information; second grounds  
23 for the continuance based on related events.

24                 They were granted their motion for the  
25 continuance.

1 Mr. Patterson received a call from this  
2 funeral home's attorney this morning advising that he  
3 was going to fax or email additional information.

4 There was further discussion by the  
5 Board. It was moved by Mr. Wasko, seconded by Ms.  
6 Betzer, to go with option 1. Ayes 7, Nays 0; Motion  
7 passes.

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9 Ms. Niekamp thanked the inspectors and  
10 the work of Ms. Stafford in the compliance motions.  
11 They typically had a long list of compliance motions  
12 but with their really hard work the Board is really  
13 only down to three because one of those matters is  
14 with BCI. So issues are turning around much more  
15 quickly and they are getting responses to consumers.

16 - - -

17 LICENSURE

18 Regarding licensure, the Board has for  
19 consideration existing facilities. These are change  
20 of location and/or ownership effective today's date  
21 if a motion is passed. Three are listed.

22 General vote moved by Mr. Wasko, seconded  
23 by Mr. Carter. Ayes 7, Nays 0; Motion passes.

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25 Next item was new facility/new building

1 consideration for approval. Mr. Seehase  
2 was supposed to inspect Mr. Brown's facility  
3 yesterday but Mr. Brown called yesterday morning on  
4 the way to Cincinnati and wanted to postpone it till  
5 next month. He is in a small building, small parking  
6 lot, with a truck parked out front with Walker on it  
7 and has a price of cremation and price of funeral  
8 service on it. He was saying previously they had  
9 problems with broken pipes and so forth needed to be  
10 fixed.

11 Moved by Mr. Boyer, seconded by Ms.  
12 Betzer, to approve crematory and funeral home  
13 alternatives. General vote: Ayes 7, Nays 0; Motion  
14 passes.

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16 Regarding name changes: There are five  
17 name changes for consideration. Mr. Braund is not  
18 very happy with his name still going to be on D.  
19 Braund, now Hope Funeral Home.

20 Motion by Mr. Wasko, seconded by Ms.  
21 Betzer, that the name changes be accepted. Ayes 7,  
22 Nays 0; Motion passes.

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24 NO MOTION ITEMS

25 Next item is no motion items are change

1 of the manager and/or the AIC that are ultimately  
2 responsible.

3 - - -

4 Next was the application for individuals,  
5 these are initial licenses to be granted as of today  
6 if there is a motion.

7 At the bottom there are three individuals  
8 with a red asterisk. Those individuals are denoting  
9 that they are actually renewing lapsed licenses which  
10 was associated to motion at the last Board meeting  
11 regarding requiring the continuing education  
12 requirements.

13 Those three people have met all of the  
14 requirements for the continuing education, have paid  
15 the \$500 forfeiture that was ordered, and are now  
16 asking for their license to be renewed.

17 Moved by Mr. Wasko, seconded by Mr.  
18 Boyer, for general vote. Ayes 7, Nays 0; Motion  
19 passes.

20 - - -

21 The following individuals were issued  
22 registration numbers during the month of  
23 January 2013. After that there's an another list of  
24 individuals that were certified apprenticeships  
25 during the month of January '13. Presenting to the

1 Board there are four crematories, 112 dual funeral  
2 director and embalmers, 49 funeral directors, 31  
3 funeral homes, for a total of 196 licenses that have  
4 failed to renew as of 12:00 p.m. yesterday.

5           Asking for a motion of the Board to give  
6 the Board staff and the Executive Director  
7 instruction to notify the Department of Health that  
8 they have failed to renew and to remove them from the  
9 ability to file death certificates.

10           Much discussion about having 50 years of  
11 funeral and embalmer exemption; licensees not  
12 renewing their license in the appropriate timeframe.  
13 Mr. Fleming was concerned about Mr. Blower's funeral  
14 license not being renewed timely. Ms. Niekamp stated  
15 the Board may want to handle them on a case-by-case  
16 basis.

17           It was moved by Mr. Wasko, seconded by  
18 Ms. Betzer, that the names of funeral directors and a  
19 renewal licensees and funeral homes and crematories  
20 on this list be removed from the system and that the  
21 Executive Director has the right to do that. This  
22 was an in-kind vote.

23           Discussion was held regarding notifying  
24 licensees when it is time to renew their license;  
25 also the issue of funeral directors and funeral homes

1 that have been practicing since January 1 unlicensed

2           The Executive Director will forward the  
3 names to the Department of Health and ask along with  
4 it if they can provide specific information for any  
5 death certificates filed under these license numbers.  
6 They will be brought back to the Board. In the past  
7 the Board issued them a \$1,000 forfeiture.

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#### FACILITY INSPECTIONS

10           Mr. Anderson gave a report for the period  
11 January 7 to February 1: Travel, 2,560 miles;  
12 inspected one crematory facility; 33 funeral homes;  
13 19 investigative actions; Board meeting two days, and  
14 office meetings one day.

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16

          Mr. Seehase gave a report for the period  
17 January 7 to January 31: Travel, 2,428 miles; served  
18 one apprentice, inspected three crematories and 53  
19 funeral homes, did one new funeral home inspection;  
20 14 investigative actions; two violations; and two  
21 Board meeting days.

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23

          President Williams-Briggs asked for a  
24 motion to adjourn.

25

          On a motion by Mr. Boyer, seconded by Mr.

1 Fleming, it was moved that the meeting adjourn.

2 Ayes 7, Nays 0; Motion passes.

3 (The meeting adjourned at 5:14 p.m.)

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*On motions denoted with an asterisk (\*), the names and identifying information was redacted from discussion and proposed notices during the course of the 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.*

1 Wednesday Morning Session,  
2 Meeting convened at 9:20 a.m.

3 - - -

4 President Williams-Briggs reconvened the  
5 meeting of the Board of Embalmers and Funeral  
6 Directors at 9:20 a.m.

7 Board Members Present: Pamela  
8 Williams-Briggs, President; Robert J. Wasko; Ty D.  
9 Marsh; Linda M. Betzer; Robert C. Carter; Thomas T.  
10 Fleming.

11 Gregory Boyer currently not present.

12 - - -

13 EDUCATION COMMITTEE REPORT

14 Mr. Carter commented regarding the  
15 50-year exemption request license for Launey Dovin.  
16 It was moved by Ms. Betzer, seconded by Mr. Flemming,  
17 that the 50-year exemption request be denied for  
18 Mr. Dover.

19 This was in a general vote. Ayes 6,  
20 Nays 0; Motion passes.

21 - - -

22 Next was the application for exemption  
23 for Michael J. Fetty, license No. 8443, for the  
24 compliance period of 2011-2012. His application was  
25 in prior to the end of the compliance period. There

1 was an incorrect application filed. He refiled the  
2 correct one. Asking for approval for Michael J.  
3 Fetty for compliance period of 2011-2012.

4 Moved by Mr. Marsh, seconded by Ms.  
5 Betzer, for exemption on Mr. Fetty in compliance year  
6 2011-2012. Ayes 6, Nays 0; Motion passes.

7 - - -

8 APPLICATIONS FOR WAIVER: Julian Snavelly,  
9 Gary Kirkpatrick, Robin Perkins all sent in their  
10 application after January 1, therefore, were not  
11 approved. Ask that the Board not approve any of  
12 their applications for waiver for 2011-2012.

13 Moved by Mr. Marsh, seconded by Ms.  
14 Betzer, that the three licensees Snavelly,  
15 Kirkpatrick, and Perkins, be denied for the CE period  
16 of 2011 to 2012. Ayes 6, Nays 0, Mr. Boyer absent;  
17 Motion passes.

18 - - -

19 RECOMMENDATION TO CHARGE: There were six  
20 licensees that did not complete required 18 hours of  
21 education with compliance period ending December 31,  
22 2012, therefore, the committee is going to charge  
23 them pursuant to 4717.09 not to renew their licenses  
24 2013 to 2014.

25 Moved by Mr. Wasko, seconded by

1 Ms. Betzer, not to renew the license. Ayes 6, Nays  
2 0; Motion passes.

3 Also for a motion to the violation of  
4 4717.09, motion either to send these six individuals  
5 for opportunity for hearing, or forfeiture.

6 Discussion among the Board.

7 Motion was discussed the six individuals  
8 that the Board did not renew their license due to  
9 them not having continuing education, the Board was  
10 charging them with a \$500 forfeiture as they did last  
11 month, moved by Mr. Wasko, seconded by Ms. Betzer.

12 There will be another motion to give the  
13 ability for Ms. Niekamp and staff to speed that  
14 process up and look at each one of them individually  
15 and make some decisions.

16 (Mr. Boyer joins the meeting.)

17 Ayes 7, Nays 0; Motion passes.

18 - - -

19 Mr. Carter stated everything was in order  
20 on all continuing education. The Board will continue  
21 with blanket approval. Moved by Ms. Betzer, seconded  
22 by Mr. Flemming. Ayes 7, Nays 0; Motion passes.

23 Mr. Carter stated blanket approval group,  
24 everything was in order asking for approval for the  
25 blanket approval group. Moved by Mr. Fleming,

1 seconded by Mr. Marsh. Ayes 7, Nays 0; Motion  
2 passes.

3 Prior approval group, everything was in  
4 order, Mr. Carter asked for Board approval. Moved by  
5 Ms. Betzer, seconded by Mr. Flemming. Ayes 7,  
6 Nays 0; Motion passes.

7 - - -

8 Mr. Carter stated there were no 50-year  
9 applications this time around.

10 Board made a motion that authorized the  
11 Executive Director to, with confirmation by the  
12 President, to reactivate licenses associated to the  
13 continuing education motions, should they pay the  
14 \$500 forfeiture and obtain the continuing education  
15 as in the original order, they could be reactivated,  
16 and then ratified at a later date by the Board.

17 Should they provide documentation to  
18 support hardship or medical conditions during the  
19 renewal periods and that they continue into said  
20 renewal/non-renewal period, that the Board would  
21 accept them being reactivated under a current waiver  
22 and ratified by the Board at a later date.

23 Or if they were eligible for a 50-year  
24 exemption during the renewal period and can show  
25 evidence of that, would then be able to reactivate

1 their licenses and have the licenses ratified by the  
2 Board along with the 50-year exemption at a later  
3 date.

4 Moved by Mr. Wasko, seconded by Mr.  
5 Flemming. Ayes 7, Nays 0; Motion passes.

6 - - -

7 The Executive Director had a settlement  
8 agreement for John Walker that would need to be  
9 ratified by the Board.

10 Mr. Patterson received a letter from a  
11 lady who didn't submit the necessary paperwork for  
12 the apprentice and so it looks like there's a \$500  
13 fine. A hearing was suggested by Mr. Patterson as a  
14 fallback if the matter is not otherwise resolved.  
15 Mr. Patterson stated Mr. Gilligan represented that he  
16 has the \$500 check in his file and as soon as the  
17 Board approves it, he'll forward the \$500 check.

18 There was discussion regarding the  
19 Executive Director having authority to engage in  
20 settlement negotiations on charged cases.

21 On a motion moved by Mr. Wasko, seconded  
22 by Ms. Betzer, to accept this settlement. Ayes 7,  
23 Nays 0; Motion passes.

24 - - -

25 EXECUTIVE DIRECTOR REPORT



1 on January 23; the reports are due back March 29.  
2 Notices regarding biennium continuing education audit  
3 were mailed out to 10 percent of licensees, or about  
4 303 individuals, on January 23 as well. Those  
5 responses are due back February 22.

6 All Board licensing data of the entire  
7 state is stored in a computer program that's called  
8 E-licensing. A new version of this program has been  
9 developed and will be starting to roll over in  
10 conversion starting February 20.

11 - - -

12 UPCOMING EVENTS

13 The office will be closed on Monday,  
14 February 18, in observation of President's Day.

15 Ms. Williams-Briggs, Mr. Wasko, Mr.  
16 Anderson and Ms. Niekamp will represent the Board at  
17 the annual meeting of the conference in Henderson,  
18 Nevada, which is February 27 and 28. Mr. Carter will  
19 be in attendance as well but his expenses are covered  
20 by the conference since he is a board member of that  
21 organization.

22 The next Board meeting is in Columbus,  
23 Monday and Tuesday, March 18 and 19. On March 19 the  
24 OFDA is having a legislative reception in the Rife  
25 Tower downstairs at 5:00 or 5:30. All are invited.

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1           There was still no further discussion  
2 about Senate Bill 308, the one that requires  
3 insurance to provide information to the funeral home.

4           481E does go into affect March 22 in the  
5 legislation. There is an addition of a courtesy  
6 card, a rule would need to be added to the  
7 Administrative Code to clarify how the courtesy cards  
8 are obtained, fee, et cetera.

9           Ms. Niekamp stated she needs to get to  
10 JCARR as soon as possible so it might possibly be in  
11 place when the current language actually goes into  
12 effect.

13           The four states involved besides Ohio are  
14 West Virginia, Kentucky, Indiana, Michigan.  
15 Pennsylvania is not. There was Board discussion  
16 regarding licenses in these other states; charging  
17 similar fees. Mr. Fleming indicated every state has  
18 the right to determine their own charge; the only  
19 thing is it cannot exceed your in-state license.

20           Mr. Patterson indicated looking at  
21 paragraph (A) of 4717.10, the Board shall charge the  
22 same fee as prescribed in Section 4717.07 of the  
23 Revised Code to issue or renew embalmer or funeral  
24 director's license.

25

- - -

1                   Ms. Niekamp stated the Operations  
2 Committee at the last meeting indicated that they  
3 would like to have a policy that spelled out the  
4 amount of hours that would be paid to a Board member  
5 and for what events that they will be doing to  
6 represent the Board.

7                   They would spell out how it's handled as  
8 well as it changed how apprentice interviews were  
9 handled, and the recommendation was at that time for  
10 the Operations Committee to have the apprentices  
11 actually come to Columbus and to extend the Board  
12 meeting by an additional day for two members and that  
13 those two members would conduct the interviews either  
14 together or separately based on the number of  
15 interviews scheduled for that time period. They  
16 would be compensated for an additional day.

17                   Also spelled out how travel would be  
18 handled, what the requirements would be for Board  
19 members to submit, and what the Board staff would be  
20 providing back.

21                   The Executive Director has drafted at  
22 this point that each Board member would be  
23 compensated a total of eight hours for each day that  
24 they serve in representation of the Board for the  
25 following event:

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1                   Board meetings which are two days per  
2 schedule; Board meetings followed by apprentice  
3 interview which is one additional day per month  
4 scheduled after the regular meeting of the Board;  
5 work with Board office scheduled either by the Board  
6 itself or by the Executive Director; training and  
7 presentation representing the Board either scheduled  
8 by the Board itself or the Executive Director; and  
9 representing the Board at a conference.

10                   The total compensation for time includes  
11 both travel to and from the event, for a total of  
12 eight hours.

13                   The apprenticeship interviews would be  
14 scheduled by the Board staff to begin at the end of  
15 the regular meeting of the Board and continue for one  
16 additional day. There was discussion regarding the  
17 flexibility of the Board members' availability.

18                   Just a reminder that the Operations  
19 Committee also discussed creating another  
20 subcommittee to develop the interview itself so that  
21 the interviews were conducted consistently.

22                   There was a motion by Mr. Wasko, seconded  
23 by Ms. Betzer, to adopt the recommendation of the  
24 Operations Board as to dealing with the Board member  
25 time and travel in regards to or in addition to the

1 apprentice schedule. Ayes 6, Nays 0, Mr. Marsh was  
2 absent; Motion passes.

3 - - -

4 There was a discussion regarding travel  
5 and parking expenses.

6 There was discussion regarding annual or  
7 biannual fees.

8 Mr. Carter made a motion, seconded by Mr.  
9 Wasko, for 4717-4 licenses, proposed draft be  
10 admitted with a licensing fee of \$140. Ayes 6,  
11 Nays 0, Mr. Marsh was absent; Motion passes.

12 - - -

13 There was a large press release regarding  
14 the McLin Funeral Home in Dayton passed around to the  
15 Board where our Board's mentioned.

16 - - -

17 That is all from the Executive Director.

18 - - -

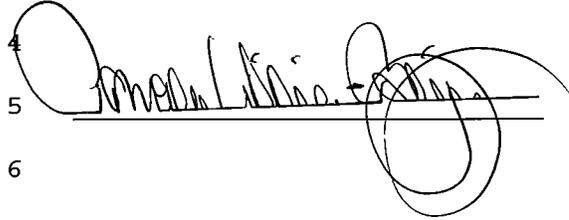
19 Mr. Wasko apologized to the staff because he felt they were  
20 unfairly criticize the day before.

21 - - -

22 On a motion by Mr. Fleming, seconded by  
23 Ms. Betzer, it was moved that the Board meeting be  
24 adjourned. Ayes 6, Nays 0, Mr. Marsh was absent;  
25 Motion passes. (Meeting adjourned 11:10 a.m.)

1 Minutes respectfully submitted on this 22nd day of  
2 February, 2013.

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