



State of Ohio Board of Embalmers and Funeral Directors

77 South High Street, 16th Floor, Columbus, OH 43215-6108 • Phone (614) 466-4252 • Fax (614) 728-6825
E-Mail: oh.emb.bd@funeral.ohio.gov • Website: www.funeral.ohio.gov

MINUTES

Convening of the Board

The Board of Embalmers and Funeral Directors met in regular session on Monday, July 15, 2013, in the 31st Floor Boardroom of the Riffe Center located at 77 South High Street, Columbus, Ohio. Board President Pamela Williams-Briggs called the meeting to order at 1:00 p.m. Other board members in attendance were Mr. Robert Wasko, Mr. Ty Marsh, Mr. Robert Carter, Ms. Linda Betzer, Mr. Thomas Fleming and Mr. Greg Boyer. Board staff members present were Executive Director Vanessa Niekamp, Inspectors Eric Anderson and Troy Seehase, Office personnel Linda Clark, Danny Finrock, and Jarrod Williams. Also attending was Assistant Attorney General Carla Dowling-Fitzpatrick, board counsel.

Executive Director Vanessa Niekamp requested a brief postponement of the meeting. Mrs. Niekamp presented President Pamela Williams-Briggs with gifts and cards of appreciation celebrating her tenure as president of the board.

Board President Pamela Williams-Briggs called for election of officers for reorganization of the Board of Embalmers and Funeral Directors.

OAC 4717-2-01 MEETINGS OF THE BOARD.

The annual meeting of the board shall be the July meeting or within thirty days after the senate's confirmation of new members in that year, at which time the board shall organize and select a president, vice-president, and secretary/treasurer.

OAC 4717-2-03 DUTIES OF THE OFFICERS.

(A) The *president* of the board shall preside at all meetings of the board in which the president is in attendance, and perform all duties incidental to the position of president.

(B) In the absence of the president, the *vice-president* shall preside over any meetings, and perform all duties of the president.

(C) The *secretary-treasurer* of the board shall supervise the executive director who shall keep the minutes of all meetings of the board and shall be responsible for all records, books, applications and other papers belonging to the board. The executive director shall attend to all correspondence and perform, or cause to be performed, all clerical duties.

The secretary-treasurer shall furnish, upon request, all forms incidental to obtaining any embalmer's or funeral director's license, and shall issue, or cause to be issued, renewal of licenses unless otherwise ordered by the board.

The secretary-treasurer shall collect all revenue as provided by law and shall deposit, or cause to be deposited, all revenue with the treasurer of the state.

(D) The *president* and *secretary-treasurer* shall sign all licenses issued under this chapter and affix the board's seal to each license.

President

On a motion by Ms. Linda Betzer, and seconded by Mr. Robert Wasko, the Board voted to nominate: Mr. Robert Carter for president of the board.

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

Vice-President

On a motion by Mr. Robert Carter, and seconded by Mr. Robert Wasko, the Board voted to nominate: Ms. Linda Betzer for vice-president of the board.

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

Secretary-Treasurer

On a motion by Ms. Linda Betzer, and seconded by Mr. Robert Wasko, the Board voted to nominate: Mr. Ty Marsh for secretary-treasurer of the board.

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh			X	
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 6 to 1.

Pursuant to Section 4717.03(D) of the Revised Code, the President appointed the following:

Crematory Review Board:

(1) Robert Carter (2) Thomas Fleming (3) Pamela Williams-Briggs

Operations Committee:

(1) Linda Betzer (2) Robert Carter (3) Ty Marsh (4) Robert Wasko

Continuing Education Committee:

(1) Greg Boyer (2) Thomas Fleming (3) Pamela Williams-Briggs

RC 4717.03 A quorum of the board consists of four members, of whom at least three shall be members who are embalmers and funeral directors. The concurrence of at least four members is necessary for the board to take any action.

Board meeting notations:

After the nominations and votes, Mrs. Williams-Briggs proclaimed a brief recess of the meeting to relinquish the president's seat to newly elected Board President Mr. Robert Carter.

The meeting of the Board recessed at 1:06 p.m.

The meeting of the Board reconvened at 1:15 p.m. with Mr. Robert Carter presiding.

Board President Robert Carter announced a one-time interchange for board members Mrs. Williams-Briggs and Mr. Wasko. He stated Mrs. Williams-Briggs will attend the operations committee and Mr. Robert Wasko will attend the education committee scheduled for July 15, 2013.

Reading and Consideration of the Minutes

Board President Robert Carter asked for reading and consideration of the June 2013 meeting of the Board Minutes.

On a motion by Mr. Robert Wasko, and seconded by Ms. Linda Betzer, the Board voted to approve the June 2013 meeting of the Board Minutes. *Ayes: 7, Nays: 0; Motion passed.*

Persons before the Board

Board President Robert Carter offered greetings and welcomed all in attendance. Mr. Carter called those scheduled to appear before the Board, one at a time, and instructed each person to speak clearly and audibly so all may hear.

Ms. Molly J. DeMaison appeared before the Board seeking a reciprocal license. Ms. DeMaison currently holds credentials from the state of Michigan. Ms. DeMaison stated she resides in Cincinnati, Ohio and is employed with Paul Young Funeral Home. She is a 2009 graduate of the Cincinnati College of Mortuary Science and earned a bachelor's degree from the University of Findlay.

There was a questions and answers session between Ms. DeMaison and the Board.

On a motion by Mrs. Pamela Williams-Briggs, and seconded by Ms. Linda Betzer, the Board voted to approve reciprocal licensure pending receipt of all applicable documentation to the Board office. *Ayes: 7, Nays: 0; Motion passed.*

Board President Robert Carter announced Mr. Roger Primm, past board president, in attendance. Mr. Carter requested Mr. Primm to ceremoniously join the table beside him.

Mr. Kendall D. Frank appeared before the Board seeking a reciprocal license. Mr. Frank currently holds credentials from the state of Indiana as of April 2013. Mr. Frank stated he recently moved to Dayton, Ohio and is seeking employment. Mr. Frank is a graduate of the Cincinnati College of Mortuary Science and earned a bachelor's degree from Wright State University.

There was a questions and answers session between Mr. Frank and the Board. Mr. Frank acknowledged a misdemeanor charge of public disturbance while attending college.

On a motion by Mr. Robert Wasko, and seconded by Mr. Greg Boyer, the Board voted to approve reciprocal licensure pending receipt of all applicable documentation to the Board office. *Ayes: 7, Nays: 0; Motion passed.*

Mr. Gregg A. Zamborsky was in attendance of the meeting and requested permission to speak before the Board. His unanticipated appearance before the Board was granted as a courtesy.

Mr. Gregg A. Zamborsky addressed the Board with concern of unlicensed persons selling prepaid funeral services. He recited a complaint filed in 2003 by himself to the Board, telling of recurring violations. In his complaint, ref. #0411049, he suggested funeral homes were allowing persons other than licensed funeral directors to prepare funeral arrangements. He also suggested funeral homes were allowing persons other than licensed insurance agents to sell funding options to consumers. He stated the Board failed to investigate his claims and dismissed his complaint. Mr. Zamborsky explained he had incurred great personal expenses for independent private investigations of the practices to enlighten the Board of violations. He had taken his concern to the Inspector General.

There were questions and answers between Mr. Zamborsky and the Board.

Mr. Zamborsky stated a report was issued from the Inspector General in June 2007 upon conclusion of its own investigation concurring with his complaint.

There were more questions and answers between Mr. Zamborsky and the Board.

Mr. Ty Marsh suggested the Board staff research this issue and present a summary to the Board at a later date.

Board President Robert Carter declared to Mr. Zamborsky the Board will investigate his claim that his complaint was not resolved and respond to him no later than ninety days.

Board of Embalmers and Funeral Directors

Recommendation to Charge #1302053 *(first presented in June 2013)*

On a motion by Mrs. Pamela Williams-Briggs, and seconded by Ms. Linda Betzer, the Board voted to charge: *Mr. Joseph Nero and *Blessing Cremation Center.

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

With a violation #1 of: 4717.13 (A)(5) Operate a funeral home without a license to operate the funeral home issued by the board under this chapter.

And order:

Motion: An order to Pay Forfeiture (1stOffense)

[licensee may request hearing instead]

(4717-12-01(A) (2) (a) \$500 min – \$5,000 max)

Amount of forfeiture imposed: \$1,000.00

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

Details: The complaint was received on February 5, 2013, alleging that a licensed funeral director who owns a funeral home is holding funeral services at a facility that is licensed as a crematory only, and is calling them "Celebration of Life" services with calling hours.

These services, at the crematory site, are announced in obituaries. The complainant felt that this situation meets the criteria for advertising or providing funeral directing from an unlicensed facility.

A Request for Response letter was issued on February 6, 2013.

The funeral home response, received on February 21, 2013, states that they have not violated any section of ORC Chapter 4717.

The complaint was reviewed at the Monthly Inspection Team meeting on June 4, 2013. There was a decision to contact families who have contracted for services in the crematory to determine how and where the arrangements were made. There was also a decision to bring the matter to the Board in June for review, discussion and a decision as to whether this is a violation in the form of operating a funeral home without a license.

This complaint was reviewed at the June 2013 Board Meeting. At that time, the Board decided that additional information needed to be obtained. See information below:

Inspector Anderson Notes:

July 2, 2013 - E. Anderson spoke to the daughter of the subject of one of the obituaries included in the complaint. The daughter confirmed that the Funeral Director made arrangements with them at the Cremation Center. She also confirmed that visitation took place at the Cremation Center with the body present.

Information from the Funeral Home Website Page as of 7/9/2013:

The * Funeral Homes and Crematory are dedicated to providing services to the families of * and all its suburbs with care and compassion.

Since 1930 the * community has trusted us with helping them plan the celebrations of lives lived.

We serve every family in our community with great pride. We are able to offer a wide range of services to meet your families needs and customs. We will listen to you and your wishes to help plan a celebration consistent with your expectations. We will take the time to plan every detail and help to relieve the burden on your family during your time of loss.

Our website contains information about our caring staff, our services and links to resources that will help you get through this tough time. Please give us a call ###-###-#### or email us to see how we can help.

THE * CREMATION CENTER now takes a concept from the beginning of time and applies contemporary skills and techniques of care giving to serve the needs of cremation - minded families.

This new concept is unique in offering experience and professionalism for inquires, arrangements of services and products. Families are assured that a Funeral Director will handle the arrangements with dignity and thoroughness, without the middleman, and that everything will be handled personally with great care and attention.

The * CREMATION CENTER serves all faiths, races, cultures and economic levels.

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Board meeting notations:

There was a questions and answers session between the Board and Inspector Eric Anderson regarding his investigation.

Board of Embalmers and Funeral Directors

Recommendation to Charge #1305093

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

On a motion by Mr. Robert Wasko, and seconded by Ms. Linda Betzer, the Board voted to charge: *Mr. W. Byron Calhoun and *Calhoun Funeral Home

With a violation #1 of: 4717.14 (A)(5) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee’s supervision.

And order: Motion: An order to Pay Forfeiture
 [licensee may request hearing instead]
 (4717-12-01(A) (4) (a) \$2,500 min – \$5,000 max)
 Amount of forfeiture imposed: \$2,500.00

On a motion by Mr. Robert Wasko, and seconded by Ms. Linda Betzer, the Board voted to close the complaint to charge: *Mr. W. Byron Calhoun and *Calhoun Funeral Home

With a violation #2 of: 4717.14 (A) (4): The applicant or licensee has committed immoral or unprofessional conduct. Specifically: The funeral home delayed in getting the body to the cremation facility.

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

Details:

5/18/2013 - Complaint filed related to Unprofessional Conduct. Wife of deceased stated the funeral home took too long to pick up the body and failed to contact her the next day to finalize arrangements as promised. The body arrived late and her transportation was late. The obituary was incorrect and delivery of cremains and death certificate took longer than expected.

5/29/2013 - The Acknowledgement and Request Response letters were issued.

6/20/2013- The funeral home response was received. The funeral home acknowledged the error in the obituary and stated they will refund the charges for the obituary when the account is settled. They denied the other complaints.

6/27/2013- Inspector Anderson spoke to the complainant. She reiterated the statements in her complaint. The Inspector determined that she met with a funeral home employee who had served a two year apprenticeship, but who has not properly terminated with the Board and does not have a license to practice.

The complainant stated that she met with the same unlicensed employee one month before her husband died and went over the vital statistics and insurance information. When her husband died, the same employee claimed he had misplaced the information.

The funeral home admits to making a mistake with the death notice.

The complainant states that she was told her husband would be cremated on the 17th of May, one day after his funeral service. The death certificate states the 17th is the date of disposition, but the inspector confirmed the date of disposition was May 20th. The deceased was not received by the crematory until May 20th at 3:46 pm. The cremated remains were delivered back to the funeral home on May 21st.

The complainant was asked if she ever met the funeral director. She stated that he was pointed out to her at the service, but never actually met him.

Prior Issues before the Board:

Complaint 1309027 – Settlement is currently pending. The charge was for Unprofessional Conduct related to failing to get the authorization for cremation according the Ohio Right of Disposition.

Board meeting notations:

Executive Director Vanessa Niekamp presented the compliance issue details.

Board President Robert Carter asked Inspector Eric Anderson for clarification on date of death listed on death certificate.

Mr. Carter explained details on filing a death certificate. He stated a death certificate is completed prior to date of disposition and often the date of disposition occurs on or after the date listed on the death certificate.

Board of Embalmers and Funeral Directors

Charged Case # 1311037

Licensee: Steven Spears and Jerry Spears Company

Hearing Date: April 19, 2013

Issue: Unprofessional Conduct Associated to Delaying Funeral Services Due to Negligence in Ordering a Vault

The following motions were made pursuant to the **Report and Recommendation** of Hearing Office Marc E. Myers. Objections to the Report and Recommendation were received from Steven Spears on July 8, 2013.

On a motion by Ms. Linda Betzer, and seconded by Mrs. Pamela Williams-Briggs, the Board voted to approve the Hearing Officer’s **Finding of Facts** (if modified or disapproved, specific reasons must be given by the Board).

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

On a motion by Ms. Linda Betzer, and seconded by Mrs. Pamela Williams-Briggs, the Board voted to approve the Hearing Officer’s **Conclusions of Law**. (if modified or disapproved, specific reasons must be given by the Board).

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

On a motion by Ms. Linda Betzer, and seconded by Mrs. Pamela Williams-Briggs, the Board voted to approve the Hearing Officer’s **Recommendation**. (if modified or disapproved, specific reasons must be given by the Board).

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh		X		
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 6 to 1.

Board meeting notations:

Executive Director Vanessa Niekamp presented details of the compliance issue as written in Hearing Officer Marc E. Myers' Report and Recommendation regarding.

Mr. Ty Marsh stated disagreement with imposing a fine of seven thousand five hundred dollars.

There was discussion among the Board on forfeiture amounts as stated in Ohio Administrative Code, Chapter 4717-12-01 (A) (3) (b). Mrs. Dowling-Fitzpatrick stated the statute does not permit imposing a fine less than the minimum amount.

Charged Case # 1310031

Licensee: Patricia Wills and the J.W. Wills Co./House of Wills

Hearing Date: April 19, 2013

Issue: Unprofessional Conduct Associated to failure to comply with the Board’s investigation; and failure to respond to the consumer.

The following motions were made pursuant to the **Report and Recommendation** of Hearing Officer Marc E. Myers. Objections to the Report and Recommendation were not received.

On a motion by Mr. Thomas Fleming, and seconded by Ms. Linda Betzer, the Board voted to approve the Hearing Officer’s **Finding of Facts** (if modified or disapproved, specific reasons must be given by the Board).

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

On a motion by Mrs. Pamela Williams-Briggs, and seconded by Ms. Linda Betzer, the Board voted to approve the Hearing Officer's **Conclusions of Law**. (if modified or disapproved, specific reasons must be given by the Board).

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

On a motion by Ms. Linda Betzer, and seconded by Mr. Robert Carter, the Board voted to approve the Hearing Officer's **Recommendation**. (if modified or disapproved, specific reasons must be given by the Board).

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

Board meeting notations:

Executive Director Vanessa Niekamp presented details of the compliance issue as written in Hearing Officer Marc E. Myers' Report and Recommendation.

Recommendation to Close

On a motion by Mr. Greg Boyer, and seconded by Ms. Linda Betzer, the Board voted to close the following investigatory files:

Issue	DATE RECEIVED	ALLEGED VIOLATION	CONCLUSION	ACTION
1306094	6/4/2013	Unprofessional Conduct - dispute over bill, no GPL provided, extra costs related to incorrect vault. The wife of the deceased filed a complaint. The vault she ordered was not the one used for the burial, and the body had to be disinterred and reburied. The FH was disorganized. FH staff tried to interject themselves into insurance settlement to get the funeral bill paid. The body was not presented as expected for viewing.	Inspector Seehase contacted the funeral home. They stated they provided a copy of the GPL to the family. The vault liner that was ordered had not yet cured, so an air seal vault was substituted. This was an upgrade and there was no extra charge. Mr. Seehase also contacted the cemetery and the vault company to confirm. The family decided upon the advice of former funeral director to disinter and re-bury. No violation was found.	Recommendation to close
1306095	6/7/2013	Unprofessional Conduct, Funeral Bill Dispute Complaint about the FH failure to provide a GPL and then exhibiting unprofessional behavior by insisting the funeral (in progress) could not proceed until payment was made or a life insurance assignment was completed.	Inspector Eric Anderson spoke to the next of kin (granddaughter) of the deceased. The complainants are cousins of hers and the executor is her uncle. When the FH staff found out that there was a granddaughter they stopped arrangements until she arrived from out of state. The granddaughter stated that she has no problems with the FH. She stated she has a copy of the GPL and was shown a casket price list and signed a statement of goods and services. E. Anderson concluded this was a family dispute and there was no violation.	Recommendation to close

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

RECOMMENDATION TO CHARGE #1310034

On a motion by Mrs. Pamela Williams-Briggs, and seconded by Mr. Robert Wasko, the Board voted to charge: *Lewis Funeral Home*

With the a violation of: 4717.14(A)(4) Unprofessional conduct, specifically for misappropriation of \$22,844.72 in preneed monies related to 6 consumers.

And order: Upon review of the written allegations prepared by the Executive Director; and finding there is clear and convincing evidence that the licensee’s continued practice presents a danger of immediate and serious harm to the public; it is therefore ordered to suspend the Lewis Funeral Home license without prior adjudicatory hearing for a period of six (6) months.

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

Details:

August 20, 2012, the board charged Robert Lewis and the Welch-Sekeres-Lewis Funeral Home with a violation 4717.14(A)(4) for unprofessional conduct, specifically for misappropriation of \$22,844.72 in preneed monies related to 6 consumers.

An administrative hearing was held February 8, 2013.

The Welch-Sekeres-Lewis Funeral Home moved and received a new license on May 1, 2013. The funeral home then became licensed as Lewis Funeral Home.

The Report and Recommendation came before the board on May 15, 2013, and the board ordered Robert A. Lewis and Welch-Sekeres-Lewis Funeral Home to pay a \$5,000.00 forfeiture which was due on June 16, 2013. The order went on to state, the funeral director’s license

held by Robert A. Lewis and the funeral home license held by Welch-Sekeres-Lewis Funeral Home each be suspended for six (6) month if the forfeiture is not received by this board.

The forfeiture remains unpaid.

The funeral directors license held by Robert A. Lewis is now suspended for a period of six (6) months.

The Lewis Funeral Home has not remitted the funds due to the clients, nor has means to make the consumers whole at this time.

Prior Orders of the Board:

1. The Board previously charged this Funeral Director and funeral home for operating a funeral home without a license and ordered a \$5,000.00 forfeiture.

Board meeting notations:

Executive Director Vanessa Niekamp presented details of this compliance issue.

Mr. Robert Wasko asked Mrs. Niekamp if defrauded consumers had been made whole (repaid) by Mr. Robert Lewis.

Assistant Attorney General Carla Dowling-Fitzpatrick answered Mr. Wasko by stating to her knowledge none of the consumers have been remedied to date.

Ms. Linda Betzer asked Mrs. Niekamp if Mr. Robert Lewis had an embalmers license.

Mrs. Niekamp replied that Mr. Lewis does maintain an embalmers license. Only his funeral directors license and funeral home license were recommended for suspension.

Mr. Wasko requested Mrs. Niekamp to offer notice of Mr. Lewis' suspension to news publications in the vicinities nearby The Lewis Funeral Home.

Board President Robert Carter requested a recess of the meeting for ten minutes.

The June 2013 meeting of the Board recessed at 3:04 p.m.

The June 2013 meeting of the Board reconvened at 3:15 p.m.

Licensure

Applications for Facility Licenses

Existing Facility – change of location and/or ownership effective July 15, 2013:

On a motion by Mr. Thomas Fleming, and seconded by Ms. Linda Betzer, the Board approved the following applications for license: Ayes: 7, Nays: 0; Motion passed.

License #	Firm Title	Location	Inspection
003303	Denbow-Primm Kemery FH <i>(pending additional payment)</i>	Ashland	04/02/13
003304	Hennessy-Bagnoli-Moore FH	Akron	04/23/12
003305	Littleton Funeral Home	Sabina	02/28/13
003306	Wilson Funeral Home <i>(pending additional payment)</i>	Bridgeport	04/09/13
003307	Wilson Funeral Home <i>(pending additional payment)</i>	Dillonvale	05/23/13
003308	Wilson Funeral Home <i>(pending additional payment)</i>	Mingo Junction	05/23/13
003309	Wilson Funeral Home <i>(pending additional payment)</i>	Tiltonsville	06/10/11

New facility/new building – consideration & approval of paperwork:

On a motion by Mr. Thomas Fleming, and seconded by Ms. Linda Betzer, the Board voted to deny the following application for license:

Firm Title	Location	County
Walter W. Piper, Jr. Funeral Directors *	Hamilton	Butler

**** The Board currently has a court ordered injunction against Michael Henderson related practicing as a funeral director without a license. Mr. Henderson previously submitted an application for the Roger D. Thomas Funeral Directors. Mr. Thomas indicated he would be working for Michael Henderson who was opening a funeral home. Mr. Henderson contacted the board office via phone numerous times about the Thomas Funeral Directors application. However, Mr. Thomas found employment elsewhere and informed the board office he would not be taking the job with Michael Henderson. Mr. Henderson then submitted this application. Mr. Henderson has contacted the board office about this application numerous times. He states he is an employee of the Heritage Family Group, LLC who he says will own this funeral home. Mr. Henderson is listed as an Incorporator for the Limited Liability Company on the Secretary of State’s business portal. Mr. Henderson has continued to advertise himself as a funeral director on the web and the Attorney General’s Office is currently working on filing contempt charges regarding the court ordered injunction against Mr. Henderson.***

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

Board meeting notations:

Executive Director Vanessa Niekamp presented details of the Walter W. Piper, Jr. Funeral Directors application for funeral home licensure.

Mr. Thomas Fleming asked Mrs. Niekamp if the Board could negate the application.

Mr. Robert Wasko asked Assistant Attorney General Carla Dowling-Fitzpatrick if the Board could defer consideration of the application.

Mrs. Dowling-Fitzpatrick answered affirmatively that the Board may deny or defer the application. She reminded the Board that if the application is denied, the applicant has an opportunity to requesting a one nineteen hearing to object to their decision.

There was a questions and answers session between Mrs. Linda Clark and the Board about history of the application.

Mrs. Niekamp added more to the history of the application discussion by recounting communications from Mr. Michael Henderson.

Mrs. Dowling-Fitzpatrick stated opinion that denying the application is not recommended due to liability concerns. She suggested the Board consider deferring consideration of the application, as Mr. Wasko suggested.

Board President Robert Carter suggested an investigation into the incorporation application to verify owners and leadership of The Heritage Family Group, LLC.

Ms. Linda Betzer asked Mrs. Dowling-Fitzpatrick about the status of contempt charges filed against Mr. Michael Henderson for disobeying his court ordered injunction.

Mrs. Dowling-Fitzpatrick answered Ms. Betzer by stating that Hamilton County, Ohio authorities continue with moving Mr. Henderson's case through legal processes.

There was discussion among the Board on the legitimacy of Mr. Henderson's claim of employment with The Heritage Family Group, LLC without a controlling interest.

Assistant Attorney General Carla Dowling-Fitzpatrick stated she will research legal opinions similar to this matter and return with information.

Tuesday, July 16, 2013 at the reconvened meeting of the Board, Mrs. Dowling-Fitzpatrick reverted to discussion of the Walter W. Piper, Jr. Funeral Directors application. She encouraged the Board to rescind its vote of denying the application from the previous day's meeting and proposed it be deferred instead. She believes there is not enough information available to make a decision. A deferral would allow time for research of facts to facilitate the approval or denial of the application.

Mrs. Dowling-Fitzpatrick advised the Board, if it should decide to maintain its decision to deny the application, the attorney general's office will refuse to represent the Board should litigation arise.

Mrs. Dowling-Fitzpatrick recited the following Ohio Rule of Professional Conduct for Attorneys for refusal to represent:

III. ADVOCATE

RULE 3.1: MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue in a proceeding, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Assistant Attorney General James Patterson addressed the Board on Mr. Michael Henderson. Mr. Patterson began with a timeline history of Mr. Henderson's actions that led to the injunction order and spoke of his actions after that order leading up to a recent contempt of court charge. The injunction and contempt charge are associated with Mr. Henderson acting as a funeral director. Mr. Henderson is not a licensed funeral director with Ohio.

Mr. Patterson stated that the Board cannot, at this time, determine Mr. Michael Henderson's role in the Heritage Family Group, LLC and therefore the Walter W. Piper, Jr. Funeral Directors application should not be denied. Mr. Patterson claims Mr. Henderson is permitted to be employed by this incorporated business and may submit the application on behalf of the business.

Mr. Thomas Fleming asked Assistant Attorneys General Mr. Patterson and Mrs. Dowling-Fitzpatrick whether logic played any part of their argument. He believes Mr. Henderson's deception is apparent and he is conspicuously using Mr. Piper, Jr. to obtain a funeral home license.

Mrs. Dowling-Fitzpatrick replied that the burden of proof is on the Board.

Executive Director Niekamp offered more details to the application discussion.

Mr. Patterson suggested that an external agency could conduct an investigation to gather evidence and facts for the Board.

Board President Robert Carter asked for opinions from board members about tabling the application.

Mr. Robert Wasko questioned the length of time it should be tabled.

Mrs. Carla Dowling-Fitzpatrick responded to Mr. Wasko by stating until enough evidence and facts are compiled to confidently vote to approve or deny the application.

Mr. Fleming stated his opinion that the application may be falsified and the Board should conduct an investigation of its own using board inspectors.

Mr. Patterson responded to Mr. Fleming that the Board may conduct its own investigation. However the investigation is limited to funeral home operators and funeral home personnel. He suggested an external agency may have more resources and options amassing evidence.

Mrs. Niekamp reminded board members of a preceding application from Mr. Michael Henderson and the Heritage Family Group, LLC under the name of Roger Thomas Funeral Home.

Mr. Fleming questioned if the Board was obligated to offer a letter to Heritage Family Group, LLC explaining the deferral of the application.

Mr. Wasko reluctantly offered his approval but suggested referring this matter to BCI. He forecasts the results from their investigation may provide the necessary evidence to end Mr. Henderson's involvement in the funeral business.

Mr. Patterson responded to Mr. Wasko stating that any BCI investigation starts with a referral from legal counsel or prosecutor's office.

Executive Director Niekamp expressed concern that the Board must not constitute liability by idleness.

Mr. Ty Marsh recalled the Board has been sued before for acting upon advice of counsel appointed from the attorney general's office. He remarked that any decision this board makes, on advice from counsel, must be referenced in the meeting minutes.

On a motion by Mr. Thomas Fleming, and seconded by Ms. Linda Betzer, the Board voted to rescind the vote to deny the Walter W. Piper, Jr. Funeral Directors application for funeral home licensure as recorded the previous day's meeting of the Board.

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

On a motion by Mr. Robert Wasko, and seconded by Mrs. Pamela Williams-Briggs, the Board, on advice of counsel, voted to defer consideration of the Walter W. Piper, Jr. Funeral Directors application for funeral home licensure pending an investigation by an external agency.

ROLL CALL VOTE				
MEMBER	AYE/YES	NAY/NO	PRESENT	ABSTAINED
Robert Wasko	X			
Ty Marsh	X			
Linda Betzer	X			
Pamela Williams-Briggs	X			
Robert Carter	X			
Thomas Fleming	X			
Greg Boyer	X			

The motion passed with a vote of 7 to 0.

No Motion Items

Change the manager and/or AIC/UR:

License #	Facility Name	Licensee by Last Name	Type	County
FH-003265	Ewing Funeral Home	Schwarzal, J. Kevin	Mgr.	Meigs
FH-001128	Hadley Funeral Home	Hadley, Barbara	Mgr.	Washington
FH-003254	Mahoney Memorial	DeCooman, Darrin	Mgr.	Cuyahoga
FH-00452	Neeld Funeral Home	Neeld, Michael T.	Mgr./Aic	Greene
FH-002460	Newcomer Funeral Home	Lowe, John C.	Mgr.	Montgomery

*Previously, 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. The funeral home 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 licensed number):*

License #	Funeral Home	Location	Issue date
003302	Mark R. Vrabel FH	North Canton	07/08/13

Applications for Individual Licenses

Initial licenses to be granted July 15, 2013:

On a motion by Mr. Ty Marsh, and seconded by Mrs. Pamela Williams-Briggs, the Board voted to approve the following applications for license: *Ayes: 7, Nays: 0; Motion passed.*

License #	Name	City	Effective Date
Emb-009540 A Fd-009605	Anthony, Daniel J. <i>(pending additional payment)</i>	Troy	TBD <i>(with payment)</i>
Emb-009541 R Fd-009606	Armintrout, Andrea K.	Warren	07/15/13
Fd-009607	Billings, Daniel K. <i>(pending additional payment)</i>	Bowling Green	TBD <i>(with payment)</i>
Emb-009542 R Fd-009608	Maser, Erin E.	Poland	07/15/13
Emb-009543 A Fd-009609	Metts, Kerri A. <i>(pending additional payment)</i>	Pickerington	TBD <i>(with payment)</i>
Emb-009544 R Fd-009610	Siverls, Allen M. <i>(pending additional payment)</i>	Philadelphia Pa	TBD <i>(with payment)</i>
DUAL008945	Croop, Telsa *	Ravenna	07/15/13

* The Asterisk is to denote those who are renewing due to a lapsed license

No Motion Items

The following individuals were issued registration numbers during June 2013:

Registration #	Name	City	Effective Date
Fd-000730	Adams-Arman, Daniel	Ottawa Hills	06/06/13
Emb-000485 Fd-000733	Bressert, Heather	Aurora	06/26/13
Emb-000484 Fd-000732	Davis, Kamira	Cincinnati	06/19/13
Emb-000486 Fd-000734	Dobrozsi, Evan	Middletown	06/26/13
Emb-000483 Fd-000729	Hall, Mark A.	Warren	06/03/13
Emb-000487 Fd-000735	Janes, Kristin	Coshocton	06/26/13

No Motion Items

The following individuals certified an apprenticeship during the month of June 2013:

Regis #	Name	FH Name	City	Effective Date
Emb-0454 Fd-0689	Coffman, Melinda	Shaw-Davis FH	Columbus	06/24/13
Emb-0484 Fd-0732	Davis, Kamira	Thompson-Hall Jordan FH	Cincinnati	06/19/13
Emb-0486 Fd-0734	Dobrozsi, Evan	Wilson-Schramm-Spaulling	Middletown	06/26/13
Emb-0480 Fd-0725	Frederick, David	Strawser Funeral Home	Blue Ash	06/01/13
Emb-0483 Fd-0729	Hall, Mark	Carl W Hall FS	Warren	06/04/13
Fd-0731	Sujkowski, Ashley	Sujkowski Funeral Home	Rossford	06/14/13

Points of Clarification

The Snyder Funeral Homes would like the Board's input on the wording for their main signage.

In November of 2000, the Board entered into the attached settlement agreement. Please see the third page, paragraph C.

Mr. Snyder would like input on his proposal he has titled "A" first, and if that is not acceptable he would then like consideration of his second proposal titled "B" (both documents are attached).

Board meeting notations:

Ms. Linda Betzer asked Assistant Attorney General Carla Dowling-Fitzpatrick to research Ohio laws regarding naming businesses.

There was discussion among the Board on Ohio Revised Code 4717.06 (B) (3).

Mr. Robert Wasko asked Mrs. Dowling-Patrick if settlement agreements were transferable.

Mrs. Dowling-Patrick responded to Mr. Wasko stating settlement agreements are between the consenting parties.

There was discussion among the Board on this settlement agreement and a consensus was reached - it was an agreement between Mr. George A. Rodman and the Board.

Mrs. Dowling-Fitzpatrick reminded the Board that it must not offer a decision for the funeral home. The Snyder Funeral Homes group is responsible to name their business according to the rules established per Ohio Revised Code. She suggested a response to the funeral home be delegated to a board inspector who should only offer technical advice on the proposed signage.

Mr. Ty Marsh agreed with Mrs. Dowling-Fitzpatrick that the Board must not provide a decision for Snyder Funeral Homes due to concerns of liability.

It was suggested Executive Director Vanessa Niekamp or a board inspector draft a response letter to Snyder Funeral Homes concerning their signage proposals. The letter should clarify the Ohio Revised Code statute and recommend Mr. Snyder seek advice from legal counsel.

Time period start: 6/17/2013 end: 7/12/2013 Board Meeting 15-Jul-2013 FY2014

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total
Board Meeting													
mileage	2,773												2,773
apprentices	0												0
Not Available	2												2
Inspections - Annual													
Crem Fac	1												1
Emb Fac	0												0
FH	37												37
Total													682
													<i>completed</i>
													59
													2
													583
													682
Inspections - Follow-up													
Crem Fac	0												0
Emb Fac	0												0
FH	0												0
Total													0
													<i>completed</i>
													0
													0
													0
													0
													0
													0
Inspections - New Facility													
Crem Fac	0												0
Emb Fac	0												0
FH	1												1
Total													1
													<i>completed</i>
													0
													0
													0
													0
													0
Investigations	14												14
Violations	1												1
Bd meetings	2												2
Bd office	1												1
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/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

FUN - Inspector Monthly Report

Report Parameters
 Board = FUN
 FUN - Inspector = ANDERSON
 From 06/17/2013 to 07/11/2013

Report generated on 7/11/2013 at 8:13:07 AM

Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
20130619	FH 002177	SEEDERLY-MONG & BECK FH	Mahoning	No one available	Annual Inspection	
20130619	FH 002238	FABRIZIO FUNERAL HOME	Mahoning	Patricia Antonelli	Annual Inspection	In Compliance
20130619	FH 003180	KUBINA-YUHASZ-WASKO FH	Mahoning	No one available	Annual Inspection	
20130619	FH 003228	LANE FAMILY FHS, ANSTROM CHAPEL	Mahoning	Karen Scenna	Annual Inspection	In Compliance
20130619	FH 003244	ROSSI BROTHERS & LELLIO FH	Mahoning	Frank Lellio	Annual Inspection	In Compliance
20130620	FH 002674	CHANDLER FUNERAL HOME	Noble	Bryan Chandler	Annual Inspection	In Compliance
20130620	FH 001230	MURPHY & MCCURDY FUNERAL HOME	Noble	Jay Murphy	Annual Inspection	In Compliance
20130620	FH 001489	MCVAY-PERKINS FUNERAL HOME	Noble	Ken Perkins III	Annual Inspection	In Compliance
20130624	FH 002322	HENNESSY-BAGNOLI FUNERAL HOME	Summit	No one available	Annual Inspection	
20130624	FH 002419	HENNESSY FUNERAL HOME	Summit	Terry Hennessy II	Annual Inspection	1 Violation No Emergency Light

Inspection Date	Original Number	Name	County	Contact	Reason	Comments
20130624	FH 002613	DONOVAN FH	Summit	Diane Huth	Annual Inspection	In Compliance
20130624	FH 002704	DONOVAN BAGNOLI FH	Summit	Unlocked/Walked Thru	Annual Inspection	In Compliance
20130624	CREM 000149	DONOVAN-BAGNOLI CREM SVCS	Summit	Unlocked/Walked Thru	Annual Inspection	In Compliance
20130625	FH 002606	ALLMON-DUGGER-COTTON FH	Carroll	Unlocked/Walked Thru	Annual Inspection	In Compliance
20130625	FH 000106	SWEENEY-DODDS INC FUNERAL HOME	Carroll	Lester Dodds	Annual Inspection	In Compliance
20130625	FH 001567	BAXTER-GARDNER FUNERAL HOME	Carroll	Unlocked/Walked Thru	Annual Inspection	In Compliance
20130625	FH 002889	DECKMAN-BARTLEY FH	Carroll	Roger Bartley	Annual Inspection	In Compliance
20130627	FH 002229	THORN-BLACK FUNERAL HOMES INC	Guernsey	Lelah Robinson	Annual Inspection	In Compliance
20130627	FH 002678	BLACK-EPPERSON FH	Guernsey	Cindy Webster	Annual Inspection	In Compliance
20130627	FH 002927	BUNDY-LAW FH INC	Guernsey	Jim Law	Annual Inspection	In Compliance
20130702	FH 002824	TABONE KOMOROWSKI FUNERAL HOME	Cuyahoga	No one available	Annual Inspection	
20130702	FH 001792	KINDRICH-MCHUGH STEINBAUER FH	Cuyahoga	Don Lopresti	Annual Inspection	In Compliance

Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
20130702	FH 002930	MARK L BROWN FS	Cuyahoga	Don Lopresti	Annual Inspection	In Compliance
20130703	FH 001269	SCHUSTER-STRAKER-O CONNOR FUNERAL HO	Cuyahoga	No one available	Annual Inspection	
20130703	FH 002713	GOLUBSKI FUNERAL HOME INC	Cuyahoga	Lenny Golubski	Annual Inspection	In Compliance
20130703	FH 002928	RIPEPI FH INC	Cuyahoga	Louis Ripepi	Annual Inspection	In Compliance
20130703	FH 003061	MALLCHOK FH	Cuyahoga	Janet James	Annual Inspection	In Compliance
20130703	FH 003302	MARK R VRABEL FH	Stark	Mark R Vrabel	Initial Inspection	In Compliance
20130708	FH 001646	BIRCHFIELD FUNERAL HOME	Meigs	James Birchfield	Annual Inspection	In Compliance
20130708	FH 001969	CREMEENS FUNERAL HOME	Meigs	obtained key/walked thru	Annual Inspection	In Compliance
20130708	FH 002994	ANDERSON-MCDANIEL FH	Meigs	Adam McDaniel	Annual Inspection	In Compliance
20130708	FH 002998	FISHER-ANDERSON-MCDANIEL FH	Meigs	obtained key/walked thru	Annual Inspection	In Compliance
20130708	FH 003202	ANDERSON MCDANIEL FH	Meigs	obtained key/walked thru	Annual Inspection	In Compliance

Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
20130708	FH 003203	CREMEENS-KING FH LLC	Meigs	Tamara Hill	Annual Inspection	In Compliance
20130708	FH 003265	EWING FUNERAL HOME	Meigs	Kevin Schwarzel	Annual Inspection	In Compliance
20130709	FH 002515	BAUMGARDNER FUNERAL HOME	Ashtabula	Jodi Poole	Annual Inspection	In Compliance
20130710	FH 002780	LANE FAMILY FHS, ROBERTS-CLARK CHAPEL	Trumbull	Barry Lamer	Annual Inspection	In Compliance

State of Ohio Board of Embalmers and Funeral Directors Inspector's Report Inspector Seehase

Time period start: 6/17/2013 end: 7/11/2013 Board Meeting 15-Jul-2013 FY 2014

Board Meeting	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total
mileage	2,158												2,158
apprentices not available	3												3
<i>Inspections - Annual</i>													<i>completed</i>
Crem Fac	60												7
Emb Fac	2												0
FH	547												51
Total	609	0	0	0	0	0	0	0	0	0	0	0	58
													<i>remaining</i>
													53
													2
													496
													551
<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	5												5
Violations	2												2
Bd meetings	2												2
Bd office	1												1
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/licenses, 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

FUN - Inspector Monthly Report

Report Parameters

FUN - Inspector = SeeHess
From 06/17/2013 to 07/11/2013

Inspection Date	Ordinance Number	Name	County	Contact	Reason	Comments
20130617	FH 000406	SCHOEDINGER HILLTOP CHAPEL	Franklin	Diane O'Neal	Annual Inspection	In Compliance
20130620	FH 002610	POWERS FH INC	Greene	Michael Storer	Annual Inspection	In Compliance
20130620	FH 002799	BELTON-STROUP FUNERAL HOME INC	Greene	John L. Stroup	Annual Inspection	In Compliance
20130620	FH 002878	BURCHAM JENNINGS FH	Greene	Amanda Reed	Annual Inspection	In Compliance No Key Available for Prep Room
20130620	FH 002940	INGLING WILLIAMS & LEWIS FH	Greene	Door Unlocked Walked Thru	Annual Inspection	2 Violations License Display
20130620	FH 002942	JACKSON LYTLE & LEWIS FH	Greene	No One Available	Annual Inspection	
20130621	FH 001162	LOOMIS-HANNEMAN FUNERAL HOME	Wood	Dan Billings	Annual Inspection	In Compliance
20130621	FH 001892	BARNDT FUNERAL HOME	Wood	Douglas Barndt	Annual Inspection	In Compliance
20130624	FH 003026	PORTER-QUALLS-DUNLAP FH	Clark	John Freeman	Annual Inspection	In Compliance
20130624	FH 003230	WASHINGTON FH	Clark	Dean Washington	Annual Inspection	In Compliance
20130624	FH 000794	FISHER-CHENEY FUNERAL HOME	Miami	Patty Saint	Annual Inspection	In Compliance
20130624	FH 001483	FRINGS & BAYLIFF FH INC	Miami	Jeff Matthews	Annual Inspection	In Compliance
20130624	FH 001937	BAIRD FUNERAL HOME	Miami	Tamara Baird	Annual Inspection	In Compliance
20130625	CREM 000019	JERRY SPEARS CREMATORY	Franklin	Robert D. Spears Jr.	Annual Inspection	In Compliance
20130625	CREM 000033	CAPITOL CREMATORY	Franklin	Jack W. Van Gundy	Annual Inspection	In Compliance
20130625	CREM 000073	O R WOODYARD CO	Franklin	Michael Lyme	Annual Inspection	In Compliance
20130625	CREM 000130	SHAW-DAVIS CREM	Franklin	Adam C. Shaw	Annual Inspection	In Compliance
20130625	FH 000409	SHAW DAVIS FUNERAL HOME INC	Franklin	Adam C. Shaw	Annual Inspection	In Compliance Monitored Apprentice Sarah Harvey
20130625	FH 001721	O R WOODYARD CO	Franklin	Michael Lyme	Annual Inspection	In Compliance Monitored Apprentice Kaleb Swinehart
20130625	FH 002067	JERRY SPEARS CO	Franklin	Robert D. Spears Jr.	Annual Inspection	In Compliance
20130625	FH 003051	O'SHAUGHNESSY CO	Franklin	Jack W. Van Gundy	Annual Inspection	In Compliance
20130627	CREM 000134	TOBIAS CREM	Greene	Jeffrey Frantz	Annual Inspection	In Compliance
20130627	FH 002331	CONNER & KOCH FH INC	Greene	Karen Bergeron	Annual Inspection	In Compliance
20130627	FH 002848	NEWCOMER FUNERAL HOME	Greene	Funeral In Progress	Annual Inspection	
20130627	FH 003124	TOBIAS FH	Greene	Jeffrey Frantz	Annual Inspection	In Compliance Monitored Apprentice Trent Sims

Inspection Date	License Number	Name	County	Contact	Reason	Comments
20130628	FH 002541	HUGHES-ALLEN FUNERAL HOME	Marion	Kenneth Allen	Annual Inspection	In Compliance
20130628	FH 001274	CRAVEN & SNYDER FUNERAL HOME	Morrow	No One Available	Annual Inspection	
20130628	FH 001766	DEVORE - SNYDER FUNERAL HOME	Morrow	No One Available	Annual Inspection	
20130702	CREM 000007	COOK & SON - PALLAY CREMATORY	Franklin	Daniel W. Palley	Annual Inspection	In Compliance
20130702	FH 000383	EVANS FUNERAL HOME	Franklin	Kevin L. Galloway	Annual Inspection	In Compliance
20130702	FH 000404	SCHOEDINGER EAST CHAPEL	Franklin	Karl Wydo	Annual Inspection	In Compliance
20130702	FH 000424	WAYNE T LEE FS	Franklin	Juana M. Agnew	Annual Inspection	In Compliance
20130702	FH 001718	COOK & SON - PALLAY FUNERAL HOME	Franklin	Daniel W. Palley	Annual Inspection	In Compliance
20130702	FH 001880	EGAN-RYAN FUNERAL HOME EAST CHAPEL	Franklin	Dale McIlhargie	Annual Inspection	In Compliance
20130702	FH 002365	BROOKS-OWENS FUNERAL HOME INC	Franklin	Daniel W. Palley	Annual Inspection	In Compliance
20130702	FH 002831	M McNABB FUNERAL HOME INC	Franklin	Daniel W. Palley	Annual Inspection	In Compliance
20130705	FH 001861	MORTON & WHETSTONE FUNERAL HOME INC	Montgomery	Mark Whelstone	Annual Inspection	In Compliance
20130705	FH 003003	BLESSING FH	Montgomery	No One Available	Annual Inspection	
20130708	CREM 000135	CINCINNATI CREM CO	Hamilton	Don Catchin II	Annual Inspection	In Compliance
20130708	FH 000539	T P WHITE & SONS CO	Hamilton	John W. Croxton II	Annual Inspection	In Compliance
20130708	FH 003068	CHAS A MILLER SONS INC	Hamilton	Charles A Miller	Annual Inspection	In Compliance
20130708	FH 003135	CATCHEN FAMILY FH	Hamilton	Don Catchen II	Annual Inspection	In Compliance
20130708	FH 002261	STINE-KILBURN FUNERAL HOME INC	Warren	No One Available	Annual Inspection	
20130708	FH 002749	OSWALD-HOSKINS FUNERAL HOME	Warren	J. Hoskins-Long	Annual Inspection	In Compliance
20130708	FH 002752	VALE-HOSKINS FUNERAL HOME	Warren	No One Available	Annual Inspection	
20130709	FH 002374	THOMPSON, HALL & JORDAN FUNERAL HOME	Hamilton	Warren Clark	Annual Inspection	In Compliance
20130709	FH 002673	MIHOVK-ROSENACKER FHS	Hamilton	Robert D. Mihovk	Annual Inspection	In Compliance
20130709	FH 002709	VORHIS & RYAN FUNERAL HOME	Hamilton	Eric Vallandingham	Annual Inspection	In Compliance
20130709	FH 002710	VORHIS & RYAN FUNERAL HOME	Hamilton	Robert B. Burke	Annual Inspection	In Compliance
20130709	FH 002908	SCHMIDT-DHONAU-KUCNER FH	Hamilton	Door Unlocked--Walked Through	Annual Inspection	In Compliance
20130709	FH 002909	SCHMIDT-DHONAU KUCNER FH	Hamilton	Angela Daum	Annual Inspection	In Compliance

Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
20130709	FH 003080	HAY FH	Hamilton	Jeff Hay	Annual Inspection	In Compliance
20130711	FH 000797	HALE-SARVER FAMILY FH	Miami	Tim Fairchild	Annual Inspection	In Compliance
20130711	FH 003102	JACKSON-SARVER FAMILY FH	Miami	Brian J. Sarver	Annual Inspection	In Compliance
20130711	FH 003103	JACKSON-SARVER FAMILY FH	Miami	Lauren K. Maicum	Annual Inspection	In Compliance
20130711	FH 003296	BRIDGES-STOCKER-FRALEY FH, INC	Miami	Door Unlocked--Walked Through	Annual Inspection	In Compliance



State of Ohio Board of Embalmers and Funeral Directors

77 South High Street, 16th Floor, Columbus, OH 43215-6108 • Phone (614) 466-4252 • Fax (614) 728-6825
E-Mail: oh.emb.bd@funeral.ohio.gov • Website: www.funeral.ohio.gov

Reconvening of the Board

The Board of Embalmers and Funeral Directors reconvened in regular session on Tuesday, July 16, 2013, in the 31st Floor Boardroom of the Riffe Center located at 77 South High Street, Columbus, Ohio. Board President Robert Carter called the meeting to order 9:03 a.m. Other Board members in attendance were Mr. Robert Wasko, Mr. Ty Marsh, Ms. Linda Betzer, Mrs. Pamela Williams-Briggs, Mr. Thomas Fleming, and Mr. Greg Boyer. Board staff members present were Executive Director Vanessa Niekamp, Inspectors Eric Anderson and Troy Seehase, Office personnel Linda Clark, Danny Finrock, and Jarrod Williams. Also attending was Board Counsel, Assistant Attorneys General Carla Dowling-Fitzpatrick and James Patterson.

Executive Director Vanessa Niekamp introduced Board office summer intern Ms. Katherine Shiplett. Ms. Shiplett is currently researching preneed rules and regulations in other states and Canada for comparison to Ohio's regulatory practices.

There was a question and answers session between Ms. Shiplett and the Board.

Continuing Education

Mr. Thomas Fleming presented the following applications for continuing education:

Applications for Individual Licenses

Initial licenses to be granted July 15, 2013:

On a motion by Mr. Greg Boyer, and seconded by Mr. Robert Wasko, the Board voted to approve the following application for license: *Ayes: 7, Nays: 0; Motion passed.*

License #	Name	City	Effective Date
Fd-006956	Rachel Ann Minnich *	West Milton	07/16/13

* The Asterisk is to denote those who are renewing due to a lapsed license

Applications for Exemption for 50 Years of Licensure

On a motion by Mr. Greg Boyer, and seconded by Mr. Robert Carter, the Board voted to approve the following application: Ayes: 7, Nays: 0

Licensee	License Number(s)	First Issued
John F. Malloy	6286	01/09/1962

The motion passed with a vote of 7 to 0.

Applications for Exemption

On a motion by Mr. Greg Boyer, and seconded by Mr. Robert Wasko, the Board voted to approve the following application: Ayes: 7, Nays: 0

Licensee	License Number(s)	Note
Rachel Ann Minnich	6956	

The motion passed with a vote of 7 to 0.

Applications for Waiver

On a motion by Mr. Greg Boyer, and seconded by Mr. Robert Carter, the Board voted to approve the following application: Ayes: 7, Nays: 0

Licensee	License Number(s)	Compliance Period Ending
Jeffrey G Bird	8234	2014

The motion passed with a vote of 7 to 0.

Applications for Individual License Requesting Continuing Education

Continuing Education Programs effective July 17, 2013:

On a motion by Mrs. Pamela Williams-Briggs, and seconded by Ms. Linda Betzer, the Board voted to approve the following applications for continuing education: Ayes: 2, Nays: 0; Motion pa:

Name	Location	Course Name	Hours	Program Date
Balazs, Donald P.	Monroe, MI	Michigan EDRS Training	6	7/23/2013
Escott, Wayne J.	Monroe, MI	Michigan EDRS Training	6	7/23/2013
Ogle, Kimberly K.	Hollywood, CA	Assoc. of Death Education & Counseling Annual Conference	18	04/24-4/27/2013

Applications for Continuing Education

Continuing Education Programs effective July 17, 2013:

On a motion by Mr. Greg Boyer, and seconded by Mrs. Pamela Williams-Briggs, the Board voted to approve the following applications for continuing education: Ayes: Z, Nays: Q; *Motion passes*

Program Date	Sponsor Name	Hours	Location	Course Name	Contact	Phone
Online	FUNERALCE	2	Online	Online Communicating Effectively With Seniors	Jana Pugh	972-616-1120
Online	NATIONAL FUNERAL DIRECTORS ASSOCIATION	8	Online	Online Getting Things Done	Kathleen Walczak	262-228-6332
Online	NATIONAL FUNERAL DIRECTORS ASSOCIATION	6	Online	Helping Them Grow or Watch Them Go	Kathleen Walczak	262-228-6332
Online	NATIONAL FUNERAL DIRECTORS ASSOCIATION	8	Online	Instant Cashflow	Kathleen Walczak	262-228-6332
Online	NATIONAL FUNERAL DIRECTORS ASSOCIATION	8	Online	Hug Your Customers	Kathleen Walczak	262-228-6332
Online	NATIONAL FUNERAL DIRECTORS ASSOCIATION	8	Online	After a Parent's Suicide: Helping Children Heal	Kathleen Walczak	262-228-6332
Online	NATIONAL FUNERAL DIRECTORS ASSOCIATION	2	Online	Minimize Your Funeral Home's Wage & Hour Liability Risk	Kathleen Walczak	262-228-6332
Online	NATIONAL FUNERAL DIRECTORS ASSOCIATION	4	Online	Complying with OSHA's Most Cited Standards in Funeral Homes	Kathleen Walczak	262-228-6332
7/19/2013	OSHA COMPLIANCE SERVICES	2	Sagamore Hills, Ohio	Complying with OSHA Standards for Funeral Homes	Paul H Conrad	419-868-7270
7/22/2013	SAINT LOUIS UNIVERSITY SCHOOL OF MEDICINE	18	Saint Louis, MO	Masters 15: Conference for Advanced Investigation	Tammi Mooshegan	314-977-7401
8/13/2013	TRI-COUNTY FUNERAL DIRECTORS ASSOCIATION	2	Geneva, Ohio	CCMS - Changes Surrounding Educational Environment	Kathleen W. Shaffer	(440) 969-3265
8/19/2013 - 8/20/2013	NATIONAL FUNERAL DIRECTORS ASSOCIATION	5	Boston, MA	Meet the Mentors	Kathleen Walczak	262-228-6332
8/22/2013	NATIONAL FUNERAL DIRECTORS ASSOCIATION	1	Online	Gaining Market Share through Exceptional Cremation	Kathleen Walczak	262-228-6332
8/25/2013 - 8/27/2013	INTERNATIONAL CEMETERY, CREMATION AND FUNERAL ASSO	12	Chicago, ILL	2013 PLPA College	Daniel Osoro	703-391-9400
9/10/2013	CLARK GRAVE VAULT	1	Columbus, Ohio	Consumer Video on Selecting A Burial Vault	Ned A Spangler	614-294-3761
9/10/2013	CLARK GRAVE VAULT	1	Columbus, Ohio	Plant Tour of Clark Grave Vault Co.	Ned A Spangler	614-294-3761
9/10/2013	CLARK GRAVE VAULT	1	Columbus, Ohio	Clark Military Products: Vaults, Urns, and Urn Vaults	Ned A Spangler	614-294-3761

State of Ohio
Board of Embalmers and Funeral Directors

Continuing Education

9/18/2013	WOODLAND CEMETERY ASSOCIATION	2	Dayton, Ohio	Tour and the Evolution of Burial Customs	Erin Schwarzlitz-Voght	937-222-1431
9/20/2013	NATIONAL FUNERAL DIRECTORS ASSOCIATION	7	Nashville, TN	NFDA Certified Crematory Operator Program	Kathleen Walczak	262-228-6332
9/23/2013	BALIN AND ASSOCIATES	6	Beavercreek, Ohio	Shame and Guilt	Marcelia Balin	937-766-2645
9/25/2013	BALIN AND ASSOCIATES	6	Shaker Heights, Ohio	Shame and Guilt	Marcelia Balin	937-766-2645
9/26/2013	INTERNATIONAL ORDER OF THE GOLDEN RULE	1	Online	Using Telecommunication to Manage and Grow your Funeral Home	Jessica A. Smith	800-637-5030 X 110
10/19/2013	NATIONAL FUNERAL DIRECTORS ASSOCIATION	7	Austin, TX	NFDA Certified Crematory Operator Program	Kathleen Walczak	262-228-6332
10/24/2013 - 10/23/2014	HOSPICE FOUNDATION OF AMERICA	2	Online	Supporting Individuals with Intellectual and Developmental Disabilities	Kristen Nanjundaram	202-457-6811 x1005
11/8/2013	NATIONAL FUNERAL DIRECTORS ASSOCIATION	7	Pittsburgh, PA	NFDA Certified Crematory Operator Program Seminar	Kathleen Walczak	262-228-6332

Executive Director's Report

Budget/Fiscal Overview

SFY13 has ended. We will continue to receive invoices for SFY13 to be paid on the prior year encumbrances. The total amount expected to lapse is \$5,339.81. This is the current overview of the SFY13 budget as of July 9, 2013:

SFY13	Budget	Expense	Encumbrance	Available Budget	Percent Available
510	\$29,155.00	\$22,829.63	\$5,178.50	\$1,146.87	3.93%
520	\$158,299.54	\$141,801.01	\$14,205.70	\$1,228.52	0.78%
530	\$85,394.71	\$39,797.51	\$45,596.78	\$0.42	0.00%
595	\$1,090.00	\$1,090.00	\$0.00	\$0.00	0.00%
500 - QTR1	\$121,929.46	\$121,929.46	\$0.00	\$0.00	0.00%
500 - QTR2	\$111,100.55	\$111,100.55	\$0.00	\$0.00	0.00%
500 - QTR3	\$121,264.74	\$121,264.74	\$0.00	\$0.00	0.00%
500 - QTR4	\$108,531.00	\$105,567.00	\$0.00	\$2,964.00	2.73%
Budget	\$736,765.00	\$665,379.90	\$64,980.98	\$5,339.81	0.72%

We are currently in the first quarter of SFY14. The budget amounts do not include additional appropriation for the fee increases. This is the current overview of the SFY14 budget as of July 9, 2013:

SFY14	Budget	Expense	Encumbrance	Available Budget	Percent Available
510	\$45,000.00	\$0.00	\$0.00	\$45,000.00	100.00%
520	\$172,000.00	\$0.00	\$1,644.29	\$170,355.71	99.04%
530	\$5,000.00	\$0.00	\$0.00	\$5,000.00	100.00%
595	\$1,000.00	\$0.00	\$0.00	\$1,000.00	100.00%
500 - QTR1	\$138,000.00	\$19,842.59	\$0.00	\$118,157.41	85.62%
500 - QTR2	\$119,000.00	\$0.00	\$0.00	\$119,000.00	100.00%
500 - QTR3	\$138,000.00	\$0.00	\$0.00	\$138,000.00	100.00%
500 - QTR4	\$119,000.00	\$0.00	\$0.00	\$119,000.00	100.00%
Budget	\$737,000.00	\$19,842.59	\$1,644.29	\$715,513.12	97.08%

Our disbursements from June 14, 2013, through July 9, 2013, are as follows:

Voucher ID	Vendor Name	Accounting Date	Account	Voucher Distrib Amount
00001952	BARBARA A STAFFORD	06/20/2013	515503	\$487.50
00001953	BROWN ENTERPRISE SOLUTIONS	06/20/2013	537400	\$2,716.40
00001954	BLAUGRUND HERBERT KESSLER MILLER MYERS	06/20/2013	515505	\$513.00
00001955	AUDITOR OF STATE	06/20/2013	529201	\$796.14
Summary				\$4,513.04

We currently have one individual on payment plan. This person is compliant with the approved payment schedule. All others are paid in full at this time.

Items of Interest

Active Credentials as of the end of SFY13:

Active Credentials by Prefix and Subcategory		
credential	description	count
50CE.	50 Yr CE Exemption	91
AIC.	Actually in Charge and Ultimately Responsibility for FH	1064
CERT.EMB	Certified Apprenticeship - Embalmer	1
CERT.FD1	Certified Apprenticeship - Funeral Director (One Year)	1
CERT.FD2	Certified Apprenticeship - Funeral Director (Two Year)	1
CREM.	Crematory	121
CROP.	Crematory Operator	142
DUAL.	Embalmer/Funeral Director	2168
DUAL.RECP	Embalmer/Funeral Director - Reciprocal	13
EAIC.	Actually in Charge and Ultimately Responsibility for EFAC	7
EFAC.	Embalming Facility	4
EMB.	Embalmer	15
EMB.RECP	Embalmer - Reciprocal	1
FD.	Funeral Director	707
FD.RECP	Funeral Director - Reciprocal	2
FH.	Funeral Home	1168
MGR.	Funeral Home Manager	1398
MSTR.	MASTER	104
OWN.	Facility Owner	1118
Totals		8126

The total number of issues is 269, which included 107 specific individuals or facilities. Many individuals or facilities had more than one issue over SFY13.

Complaints	
Alleged Issue	count
Advertisement	6
Apprenticeship	2
Continuing Education	35
Cremation	7
Embalming	2
Failure to deliver Death Certificate	14
Failure to provide statement of goods and services	1
Forged Death Certificate	1
Firm Title	1
Funeral Bill Dispute	13
Inappropriate condition of corpse	7

Misidentified Remains	2
Overpriced casket	1
Poor Transport	6
PreNeed	44
PreNeed Annual Report	22
Rude Behavior	9
Unlicensed Funeral Directing	13
Unprofessional Conduct	82
Totals	269

Changes to 4717.03 gave the Executive Director the ability to hire and fire staff of the board. The prior language posed a problem in December of 2012, when an employee of the board was found to have falsified their time. The prior language would have required the board of seven members to take the personnel action against the employee. The new language allows the Executive Director to manage the board office and staff.

Changes to 4717.06 gave a licensed funeral director the ability to manage more than one funeral home.

Changes to 4717.07 increased the licensing fees and set a cap of \$1,000.00 in late fees to reinstate a lapsed embalmer's or funeral directors license. The increase fees were pursued by the Ohio Funeral Directors Association (OFDA) with the intent of adding two additional inspectors to address the increased number of PreNeed issues. However, the appropriation to match the increased revenue was never added to the budget. The \$1,000.00 cap in late fees will allow more individual to gain active employment and return to the funeral industry. The prior language did not set a cap and there were individual who wanted to reinstate their license, but would have owed tens of thousands of dollars to do so. The amounts were so high, and unemployed individual could not begin to pay them to gain employment.

Changes to 4717.10 fixed a mistake that would have required us to issue courtesy cards annually, but all other licenses biannually. In addition, the fee was set for the same amount as a license that would have been paid once every two years, to a courtesy card would have cost double that of a regular license.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

DACA Introduction:

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two (2) years, subject to renewal, and would then be eligible for work authorization. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status.

DACA Guidelines:

Applicants may request consideration of deferred action for childhood arrivals if they:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three (3) or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

I have provided the Governor's Office with a complete analysis regarding the effect of the Deferred Action for Childhood Arrivals (DACA) on obtaining licensure with the Board of Embalmers and Funeral Directors.

In conclusion, I have determined our current law will allow an individual with a DACA status to obtain an Embalmers and/or Funeral Directors license in the State of Ohio; as long as they meet all of the educational requirements and receive a passing score on both the National Board Exam and the Ohio Laws & Rules Exam.

FUN IPP006: EXECUTIVE DIRECTOR AND STAFF TIME PROPOSED JULY 2013

SUMMARY

An administrative process is established to provide consistent authorization and processing of the work hours/time of the Executive Director and Board Staff.

TIME

EXECUTIVE DIRECTOR TIME

The Executive Director (ED) must record the actual hours worked for each work day on the excel spreadsheet titled “Timesheet”, or any other devised, as provided by the Department of Administrative Services to record work hours.

The ED may utilize a “flex-time” schedule. Flextime schedules may include any combination of hours which equal eighty (80) hours per pay period. Any hours in excess of eighty (80) hours per pay period will be recorded as “unclaimed hours worked”, and will not be compensated.

Per OAC 4717-2-03 Duties of the officers: (C) The secretary-treasurer of the board shall supervise the executive director. Therefore, the ED will forward the timesheet for each pay period to the secretary-treasurer for authorization.

Once the secretary-treasurer has authorized the timesheet, the authorization will be forwarded to Central Services Agency who will then advance the authorized time in OAKS to approved status.

The ED’s timesheet will be filed with all timesheets for staff and board members, by pay period, in a common location easily accessible to all staff and board members. Timesheet will be retained per the appropriate record retention schedule.

STAFF TIME

All staff members must record their actual hours worked for each work day on the excel spreadsheet titled “Timesheet”, or any other devised, as provided by the Department of Administrative Services to record work hours.

Staff may utilize a “flex-time” schedule. A minimum staffing level of one (1) office staff member and one (1) inspector shall be on duty during the standard hours of operation, 8:00 a.m. to 5:00 p.m., Monday through Friday.

Team members can request a “new” flextime schedule each pay period. However, once a team member is working an approved flextime schedule they shall remain on that schedule until they secure approval via a new flextime request.

Consideration of flextime schedules, or changes to previously approved flextime schedules will be based on operational feasibility.

FUN IPP006: EXECUTIVE DIRECTOR AND STAFF TIME PROPOSED JULY 2013

Flextime schedules should be submitted no later than noon on Thursday or each pay period for consideration to start the next pay period.

Flextime schedules for over-time exempt employees may include any combination of hours which equal eighty (80) hours per pay period. Any hours in excess of eighty (80) hours per pay period will be recorded as “unclaimed hours worked”, and will not be compensated.

Flextime schedules for over-time eligible employees may include any combination of hours which equal forty (40) hours per pay period. Any hours in excess of forty (40) hours per pay period must be authorized by the ED prior to the hours being worked, and be awarded per OCSEA Article 13.07 – Overtime, and compensated per OCSEA Article 13.10 – Payment for Overtime.

An active disciplinary record may be a determining factor in granting a flextime schedule.

Staff will forward their timesheet for each pay period to the ED for authorization. Once the ED has authorized the timesheet, the ED will advance the authorized time in OAKS to approved status.

The staff’s timesheet will be filed with all timesheets for board members and ED, by pay period, in a common location easily accessible to all staff and board members. Timesheet will be retained per the appropriate record retention schedule.

LATE ARRIVALS

At the discretion of the Executive Director, an employee may be allowed to make-up time for arriving to work late up to thirty (30) minutes.

Team members who have received approval to make-up time for a late arrival must submit a revised flex schedule which indicates how they are making-up the missed time.

An active disciplinary record may be a determining factor in granting approval to make-up time.

OBLIGATION TO REPORT FRAUD

All staff members have an obligation to read and understand this policy, as well as, report suspicions of fraud and to cooperate in investigations.

OHIO FRAUD REPORT SYSTEM

A public log of fraud reports is available to the public through the [Ohio Fraud Report System](#), which includes the date of the report, the entity complained of, the nature of the complaint and the status of the review of the complaint.

FUN IPP006: EXECUTIVE DIRECTOR AND STAFF TIME PROPOSED JULY 2013

The public log was established pursuant to H.B. 66, which also requires all public employers to notify employees of the methods of reporting fraud, including doing so anonymously. New hires must, within 30 days of hire, verify in writing that they have been advised of the system, and the Auditor of State's office will verify compliance with the law during regular audits.

Complaints may be made at any time by any public employee or any member of the public using the web site, U.S. Mail, and phone:

- **US MAIL** a written complaint:
Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
- **CALL** the SIU Fraud Hotline
1-866-FRAUD OH (1-866-372-8364)
- **ONLINE** <http://www.auditor.state.oh.us/fraudcenter/siu/complaint/complaint.aspx>

OHIO OFFICE OF THE INSPECTOR GENERAL

The Office of the Ohio Inspector General is authorized by state law to investigate alleged wrongful acts or omissions committed by state officers or state employees involved in the management and operation of state agencies.

- **US MAIL** a written complaint:
Office of the Ohio Inspector General
Attention: Intake Committee
30 East Broad Street, Suite 2940
Columbus, OH 43215-3414
- **FAX** (614) 644-9504
- **EMAIL** oig_watchdog@oig.state.oh.us

Attachments:

1. Timesheet provided by the Department of Administrative Services
2. Flextime Request form
3. Employee verification of the Ohio Fraud Report System and this policy
4. Office of the Inspector General, Report of Wrongful Act or Omission by State Agency or Employee form

Upcoming Events

I will be attending the Executive Committee Meeting of OFDA on Wednesday, July 24, 2013, and 1:00 p.m.

Our next meeting will be in Columbus, Ohio, on Monday, August 19th and Tuesday, August 20th.

The 110th Annual Convention of The Conference is scheduled for Tuesday, February 25 – 27, 2014, in Orlando, Florida. The first day of the convention is a New Board Member Training session. We will need to begin planning who will attend for travel within the next couple of months.

Board meeting notations:

Executive Director Vanessa Niekamp presented the Executive Director's Report.

Mr. Thomas Fleming asked Mrs. Niekamp asked about a budget expense listed for Brown Enterprise Solutions. Mrs. Niekamp replied the expense was for two laptop computers for inspectors.

Executive Director Niekamp reviewed the items of interest charts and made a remark on complaints. Her statement was about how preneed complaints are expected to grow. Mrs. Niekamp explained, in the future, compliance issues concerning preneed violations from funeral homes will result in multiple charges of violations –not just one. A complaint and charge of violation will be issued for each consumer affected.

Mrs. Niekamp stated there was confusion on the recent changes on a reinstatement of a lapsed license with the passage of House Bill 59. She clarified that a current license fee plus a fee of \$50.00 for each month or portion of a month the license is lapsed, but not more than \$1,000.00 total in late fees, applies to each license. Accrual of the monthly \$50.00 late fee for a lapsed license ends after the last day of twentieth month.

Mrs. Niekamp offered an example of a reinstatement of funeral directors license after a two year absence. She explained that a payment of \$150.00 plus \$1,000.00 in late fees –not \$1,200.00, for a total of \$1,150.00 would be due.

Mrs. Niekamp summarized the Deferred Actions for Childhood Arrivals (DACA) document.

Mr. Robert Wasko recommended sending Mr. Greg Boyer to represent the Board at the Annual Convention of the Conference in February 2014. He stated Mr. Boyer would benefit from the new member training session.

Mr. Ty Marsh agreed that as a new Board member, Mr. Boyer would benefit from the new board member training session. However, Mr. Marsh reminded board members of the necessity to be judicious regarding travel expenses and locations.

Director Niekamp declared the need for apprentice interviews is growing. Adding an extra person to the August meeting may be necessary. She asked for volunteers.

Mrs. Niekamp summarized the policies and procedures documents.

On a motion by Mr. Robert Wasko, and seconded by Mr. Thomas Fleming, the Board voted to adopt the document IPP006.

Mr. Marsh interrupted the motion and requested a deferral of consideration of document IPP006. He asked for time to review the duties of Secretary-Treasurer of the Board; his newly elected position. Adoption of this document requires the Secretary- Treasurer to authorize and police new procedures.

Mr. Wasko respectfully rescinded his motion to adopt document IPP006.

Mrs. Pamela Williams-Briggs acknowledged all in attendance for the cards and gifts of appreciation given to her.

Board President Robert Carter praised Mrs. Williams-Briggs for her years of service to the Board and reminisced on the history of their relationship.

On a motion by Mr. Robert Carter, and seconded by Mrs. Pamela Williams-Briggs, the Board voted to adjourn the July 2013 meeting of the Board. *Ayes: 2, Nays: 0; Motion passed.*

The July 2013 meeting of the Board adjourned at 10:05 a.m.