

## **Regular Meeting (Thursday, January 15, 2015)**

Generated by Vanessa Niekamp on Wednesday, February 4, 2015

### **Members present**

Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

**Meeting was called to order at 1:00 p.m.**

### **Board meeting notations:**

Ms. Linda Betzer, board member, was absent from meeting.

## **1. Convening of the Board - President**

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### 1.01 Calling of the Roll

Mr. Thomas Taneff, board member, the record of the board to reflect Assistant Attorney General Carla Dowling-Fitzpatrick joined the meeting at 1:04 p.m.

### 1.02 Consideration of the December 2014 Minutes

Motion to approve the meeting minutes.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

### Persons Before the Board

Mr. Fred Schenk was in attendance of the meeting and requested permission to speak before the board about advanced funeral planning sales. Board President Thomas Fleming granted Mr. Schenk's unanticipated appearance before the board as a courtesy. Mr. Schenk's appearance was limited to three minutes.

Mr. Schenk stated concern about non-licensed funeral directors selling preneed funeral contracts to consumers. He claimed to have witnessed the practice of illegal selling of preneed on many occasions and wanted to revive the board's awareness about the activity. Mr. Schenk believes an unlicensed person's ability to continue the activity, without consequence from the board, devalues a licensed funeral director and/or licensed insurance agent's credentials and diminishes sales competition. Mr. Schenk suggested the board review regulations within Ohio Revised Code and consider strengthening the board's authority to discipline the illegal selling of preneed. He also suggested lobbying legislature for subpoena powers in reference to inspections of funeral homes. Specifically, the inspection of preneed funeral contracts whereby giving a board inspector authority to seize suspicious documents to later determine validity of a contract by comparison of handwriting. Mr. Fred Schenk concluded by thanking the board for his opportunity to appear.

## **2. Board Member Discussions**

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## 2.01 Meeting Dates

### **Board meeting notations:**

Vanessa Niekamp, executive director, presented each board member a copy of calendar for year 2015 to reference during discussion.

Ms. Niekamp presented a request from Mr. Thomas Taneff, board member, to consider discussion on reducing the two-day regular meeting of the board to one day.

Mr. Thomas Fleming, board president, requested comment from board members, but reminded all of apprentice interviews, committee meetings, and the availability to defer motions to the second day of meetings, prior to open discussion.

Mr. Taneff suggested an earlier start time of the one-day meeting to preserve viability of Mr. Fleming's concerns for additional assemblies. Mr. Taneff also proposed book-ending the board meeting with those additional gatherings as a way to reduce the number of meeting days. He declared to be in favor of ideas that would not impede the agency's ability to perform its responsibility to the public.

Mr. Robert Wasko, board member, opined that he preferred two-day meetings, but is not opposed to exploring practical solutions to achieve a one-day meeting schedule.

Director Niekamp reminded the board of monthly service credit due dates when considering future meeting dates.

A motion was made by Mr. Thomas Taneff, and seconded by Mr. Thomas Fleming, to reduce the regular two-day meeting of the board to a one-day meeting for future meeting dates.

There was discussion among the board about the present motion.

A motion was made by Mr. Thomas Taneff, and seconded by Mr. Robert Wasko, to modify his original motion. Mr. Taneff recommended the board consider reducing the regular two-day meeting of the board to a one-day meeting while retaining authority to meet a second day, if necessary. Mr. Taneff also included that consideration of his recommendation be deferred to the February 2015 meeting of the board for additional time to review individual schedules. A vote concluded with four in favor of the modified motion.

## 2.02 Misappropriation of Preneed Cases - Thomas Taneff

### **Board meeting notations:**

Mr. Thomas Taneff addressed the board to summarize a recent meeting between the Governor of Ohio Office and himself. One topic of discussion was the misappropriation of funds related to pre-need arrangements between consumers and funeral homes. It was requested of Mr. Taneff, a newly appointed member to the board of embalmers and funeral directors, to resurrect the importance of defeating pre-need fraud to the board and explore solutions to eliminate it.

Ms. Vanessa Niekamp, executive director, explained (for benefit of understanding) to Mr. Taneff how previous misappropriation of pre-need funds cases have been identified, investigated, and presented to the board for consideration of disciplinary action.

Mr. Robert Wasko recounted to Mr. Taneff the board's previous efforts to defeat pre-need fraud. Mr. Wasko also recalled his endeavor to establish a pre-need recovery fund.

In addition to discussing pre-need fraud during the meeting with the Governor's Office, Mr.

Taneff communicated a negative response concerning the proposal of employing two more board inspectors- as drafted in the FUN Workforce Plan 2015. It was suggested to Mr. Taneff that the board find alternate methods to discover and prevent misappropriation of pre-need funds. The Governor's Office recommended an electronic method.

Mr. Thomas Fleming, board president, requested Mr. Taneff to name those involved in his meeting. Mr. Taneff did not disclose identities. Mr. Fleming then requested Mr. Taneff to convey an invitation to his contacts to a future board meeting.

Ms. Niekamp presented history of the board office pre-need misappropriation cases, Katie Shiplett's pre-need research presentation, and the pre-need report card results.

There was discussion among the board about pre-need funding contracts and responsibilities of the funeral director related to the acceptance of pre-payment.

Ms. Niekamp described a board inspector's authority, responsibility, and technology available during inspections. She also emphasized the limitations of the board inspectors during inspections.

Mr. Fleming shared opinion that two inspectors is still not enough to inspect over one-thousand funeral homes and combat pre-need fraud.

### **3. Compliance - Vanessa Niekamp**

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#### 3.01 Recommendation to Charge 1500022

#### 3.02 Recommendation to Charge 1500040

Motion to charge with all 4 violation types for a total for 40 violations.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

#### 3.03 Recommendations to Close

Motion to close compliance issue nos. 1500025, 1500026, 1500031, 1500035, 1500036, and 1500037.

Motion by Gregory Boyer, second by Thomas Taneff.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

#### **Board meeting notations:**

Mr. Thomas Taneff, board member, asked for clarification of reason that a consumer would file a complaint like compliance issue no. 1500026.

Ms. Vanessa Niekamp, executive director, provided explanation citing examples from previous complaints filed with the board office.

Mr. Taneff expressed praise for funeral homes and the funeral services industry. Mr. Taneff stated that in his thirty years of practicing law, notably in probate court cases, he has never experienced a negative issue with either.

### 3.04 Pending Cases

### 3.05 Cases Pending with Board Staff

### 3.06 Requests for Representation to AAG

**Board meeting notations:**

Ms. Carla Dowling-Fitzpatrick, board counsel, stated that compliance issue no.1400063 has been fully briefed. Both parties have concluded their written statements to the court.

Ms. Dowling-Fitzpatrick stated that compliance issue no. 1400086 is still pending. A brief from board counsel is due next week.

Mr. Robert Wasko, board member, asked Ms. Dowling-Fitzpatrick if all other pending case information has been transferred to newly appointed Assistant Attorney General Summer Moses. Ms. Dowling-Fitzpatrick replied affirmatively.

## 4. Licensure - Linda Clark

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### 4.01 Recommendations for Licensure

Motion to approve applications for licensure.

Motion by Thomas Taneff, second by Gregory Boyer.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

### 4.02 No Motion Items

## 5. Continuing Education

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### 5.01 Recommendation to approve Continuing Education Programs

Motion to approve applications from program providers for continuing education hours with limitation of no more than nine (9) hours for online course listed.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

**Board meeting notations:**

Mr. Thomas Fleming, board president, stated the board restricts approval of online continuing education courses to nine hours. A program presented for approval has indicated an allotment of between two and ten

hours of course study hours. Mr. Fleming instructed Mr. Danny Finfrock, board staff, to notify the continuing education program provider of their approved program with a reduction of hours to the course.

## 5.02 Recommendation to approve applications from Individual Licensee(s)

Motion to approve applications from individuals requesting approval for continuing education hours.

Motion by Thomas Taneff, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 5.03 Recommendation to approve applications for Exemptions and Waivers

Motion to approve applications for exemption, 50 year exemption, and waiver of continuing education requirement.

Motion by Gregory Boyer, second by Thomas Taneff.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 5.04 Recommendation to deny applications for 50 Year Exemptions and Waivers

Motion to deny applications for 50 year exemption and waiver of continuing education requirement.

Motion by Thomas Taneff, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

# 6. Inspections

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6.01 Monthly Inspections - Eric Anderson

6.02 Monthly Inspections - Troy Seehase

# 7. Executive Director's Report

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7.01 Items of Interest

## 7.02 Fiscal Overview

# **8. Adjournment - President**

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## 8.01 Adjourn the Meeting

Motion to adjourn meeting at 2:40 p.m.

Motion by Thomas Taneff, second by Gregory Boyer.

Final Resolution: Motion Carries

Yes: Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko