

Regular Meeting (Wednesday, February 11, 2015)

Generated by Jarrod Williams on Thursday, February 12, 2015. Updated on Wednesday, March 11, 2015 by Jarrod Williams and Vanessa Niekamp.

Members present

Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

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

Meeting called to order at 1:05 PM

1. Convening of the Board - President

1.01 Calling of the Roll

1.02 Consideration of the January 2015 Minutes

Motion to approve the meeting minutes from January 2015.

Motion by Thomas Taneff, second by Robert Wasko.

Final Resolution: Motion Carries

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

2. Person's Before the Board

2.01 Licensee Walter W. Piper, Jr. and Attorney T. Scott Gilligan

Walter W. Piper, Jr. (suspended licensee) and his counsel, T. Scott Gilligan, are appearing before the board today to present testimony regarding Piper's involvement with prior orders of the board.

Orders of the Board:

(The Board has requested representation by the AAG and the case is pending a hearing date)

March 18, 2014, the Board determined there was reasonable evidence to order a summary suspension of the DUAL license held by Walter W. Piper, Jr. for the following violations:

- Violation #1: 4717.14(A)(1)The license was obtained by fraud or misrepresentation either in the application or in passing the examination. Specifically, Piper certified he is not on a waiver in three (3) locations of the

- funeral home application, which is a misrepresentation.
- Violation #2: 4717.14(A)(4) and 4717-8-01(H) Falsification or misrepresentation on any application or document submitted to the board. Specifically, Piper certified he is not on a waiver in three (3) locations of the funeral home application, which is a misrepresentation.
 - Violation #3: 4717.14(A)(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision. Specifically, Piper knowingly permitted Michael Henderson (unlicensed) to engage in the profession or business of funeral directing with the family of Cephus Cardwell.
 - Violation #4: 4717.14(A)(10) The applicant or licensee misled the public by using false or deceptive advertising. Specifically, the funeral home license application lists the name as Walter W. Piper, Jr. Funeral Directors, advertising the business as Michael M. Henderson Tributes & Walter W. Piper, Jr. Funeral Directors is misleading the public and using false and deceptive advertising.

Mr. T. Scott Gilligan, attorney at law, appeared before the board to address the current summary suspension of the dual license held by Walter W. Piper, Jr. Mr. Gilligan represents Mr. Piper, Jr. as legal counsel. Attorney Gilligan requested the board to consider a settlement agreement for reinstatement of the suspended license. Mr. Gilligan also requested the board consider testimony from Walter W. Piper, Jr. about his involvement with Walter W. Piper, Jr. Funeral Directors funeral home.

Walter W. Piper, Jr. appeared before the board to present his account of events leading up to his license suspension. Mr. Piper, Jr. chronicled his employment history which included nineteen years of pastoral service, ten years of teaching, and years of service to funeral homes as tradesman in embalming and funeral directing. Mr. Piper, Jr. stated that beginning 2009, he became unemployed due to economic recession. Mr. Piper, Jr. declared himself in a state of depression during the following years.

Mr. Piper, Jr. received contact from Mr. Michael Henderson in 2013. Mr. Henderson offered Mr. Piper, Jr. an opportunity for employment in a new business venture Mr. Henderson's family was developing. Mr. Piper, Jr. was reluctant to associate with Mr. Henderson; having knowledge of Mr. Henderson's previous unsuccessful and questionable business relationships. However, Henderson's mother attested that Michael was reformed. Mr. Piper, Jr. had known Henderson's family since Michael's childhood and deduced there was less risk with Michael's mother and brother included in the business. Mr. Piper, Jr. agreed to accept Mr. Henderson's proposal to license and operate a funeral home.

Mr. Henderson secured a building for the funeral home site and revealed it to Mr. Piper, Jr. Upon observation, it was clear to Mr. Piper, Jr. the building would need renovations. Mr. Piper, Jr. asked Mr. Henderson how he planned to fund the project. Mr. Henderson indicated that he borrowed funds from a mutual friend; a retired police officer named Charles Foreman. Mr. Piper, Jr. assisted with labor during the renovation and provided personal office type equipment upon opening the Walter W. Piper, Jr. Funeral Directors funeral home.

Mr. Piper, Jr. suspicions of Mr. Michael Henderson's character escalated when the funeral home served its first client, Mr. Cephus Cardwell. Mr. Piper, Jr. learned that Mr. Henderson met with Mr. Cardwell's family and sold funeral services without his participation. Mr. Henderson is not a licensed funeral director. Mr. Piper, Jr. conceded that Mr. Henderson employed him solely for licensing credentials. Mr. Piper, Jr. declared

that he terminated his relationship with Michael Henderson and the Walter W. Piper Jr. Funeral Directors funeral home as a result of Michael's illicit activity. Mr. Piper, Jr. stated that after his resignation he was barred from the funeral home.

The Walter W. Piper, Jr. Funeral Directors funeral home license and Walter W. Piper, Jr. dual license were suspended March 18, 2014 upon a board investigation. The funeral home has since ceased operating at the location. Mr. Michael Henderson has disappeared. The lessor has retained the building and its effects. To date, Mr. Piper, Jr. has not been able to retrieve his personal belongings.

Walter W. Piper, Jr. concluded his testimony with a petition to the board for consideration of reinstatement of his dual license.

Board meeting notations:

Mr. Thomas Taneff, board member, questioned Mr. Piper, Jr. about his knowledge of the leasing agreement with building lessor. Mr. Piper, Jr. replied that he was not included in the agreement between the lessor and Michael Henderson's LLC.

Mr. Taneff questioned Mr. Piper, Jr. on when he retained legal counsel and if Mr. Piper, Jr. memorialized occurrences during his association with Mr. Henderson. Mr. Piper, Jr. replied that he contacted Mr. Gilligan after his license was suspended. He answered negatively about documenting his time frame with Michael Henderson. Attorney T. Scott Gilligan added that Mr. Henderson's LLC retained his legal services while the Walter W. Piper Funeral Directors funeral home license was being considered for approval.

Mr. Taneff requested Mr. Gilligan to clarify who he is representing before the board today. Mr. Gilligan replied that he represents Mr. Walter W. Piper, Jr.

Mr. Robert Wasko, board member, asked Mr. Piper, Jr. when he notified the board regarding his resignation from the Walter W. Piper, Jr. Funeral Directors funeral home. Mr. Piper, Jr. stated that he failed to notify the board. Mr. Piper, Jr. claimed health related difficulties hindered his judgment and ability to fulfill personal responsibilities.

Mr. Thomas Fleming, board president, asked Mr. Piper, Jr. to define the time frame of his association to Michael Henderson and the Walter W. Piper, Jr. Funeral Directors funeral home. Mr. Piper, Jr. recounted a total of six months: four months during building renovations and two months after the opening of the business.

Mr. Wasko requested Mr. Piper, Jr. to describe his teaching background. Mr. Piper, Jr. replied that he was an instructor at Cincinnati College of Mortuary Science for about ten years. He stated teaching business laws and ethics, clinical labs, and restorative arts.

Mr. Fleming asked Mr. Piper, Jr. if he had any further contact with Michael Henderson since leaving the funeral home. Mr. Piper, Jr. answered he had not.

Mr. Fleming asked Mr. Gilligan if Mr. Claude T. Mitchell would be appearing before the board soon regarding his license suspension. Mr. Gilligan responded that he cannot answer the question. Mr. Gilligan concluded that he does not represent Mr. Mitchell.

Mr. Gregory Boyer, board member, questioned Mr. Piper, Jr. about obtaining his continuing education hours for the recent compliance period. Mr. Piper, Jr. responded he has not met the required eighteen hours. Mr. Boyer affirmed that the continuing education hours would be necessary for consideration of reinstatement.

Mr. Boyer also stated that a criminal history background check is a condition for reinstatement as well. Mr. Piper, Jr. accepted the provisions.

Mr. Boyer stated that he would support a discussion of a settlement agreement regarding the reinstatement of Walter W. Piper, Jr. dual license.

Assistant Attorney General Summer Moses spoke up and said the Executive Director may not engage in settlement negotiations. She may give out specific terms and settlement agreement that has been drafted. Mr. Wasko stated the Executive Director can per our previous motion that the AAG's Office recommended. Mr. Taneff stated it has been his experience with the Cosmetology Board that the Executive Director does settle cases on behalf of the board. AAG Moses said the Cosmetology board sends out the NOH with a settlement agreement and terms attached. The Respondent may either accept those terms or choose to move towards a hearing. At the time that Respondent rejects the original terms and moves towards a hearing, the matter comes to the AG's office. AAG Moses explained that once terms were being discussed and changed the matter would need to come to her office and the AAG would be happy to take over. Mr. Taneff stated that he did not agree, and reiterated his previous experience with the Cosmetology Board. Mr. Wasko stated they went to having the Executive Director settle matters for them because the AAG's Office told them to and could not get anything done for the board. AAG Moses then said the board is not required to follow her advice.

Mr. Wasko recalled the decision by the board to provide control of settlement agreements to the executive director as a result of the Ohio Attorney General's Office deficiency in settling compliance cases.

Mr. Fleming questioned Ms. Niekamp if Mr. Piper, Jr. was offered a settlement, could he still have a hearing. Executive Director Niekamp stated acceptance of a settlement agreement would relinquish Mr. Piper, Jr. rights to a hearing and would be binding. If he does not accept the settlement agreement, he would retain rights to an administrative hearing.

Motion to authorize the Executive Director and President to enter into settlement discussions with Walter Piper, Jr. and Attorney T. Scott Gilligan.

Motion by Gregory Boyer, second by Robert Wasko.

Final Resolution: Motion Carries

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

3. Licensure

3.01 Licenses to be Approved

Existing Facility – Change of ownership:

License #	Firm Title	Location
FH.003387	Bowman & Young FH	Dayton
FH.003388	Russell-Sly FH	Middlefield
FH.003389	Ross-Frash Funeral Home	Roseville
FH.003390	Ross-Frash Funeral Home	Crooksville
FH.003391	Powers Funeral Home	Cincinnati

Name changes:

License #	Current Name	New Name	County
FH.003112	Kauber-Sammons FH	Kauber-Fraley FH	Licking
FH.003107	Crouse-Kauber-Sammons	Crouse-Kauber-Fraley FH	Licking
FH.001230	Murphy & McCurdy FH	Murphy-Danielson FH	Noble
FH.003278	Wellman-Kinzer & Godorhazy	Kinzer & Goderhazy FH	Fayette

Initial licenses to be granted:

License #	Name	City
EMB.009619 FD.009706	Bramel, Ashlee B.	Sabina
FD.009707	Folds, Senta L.	Cincinnati
EMB.009620 FD.009708	May, Keith W.	New Bremen
EMB.009621 FD.009709	Meeker, Ryan K.	Logan
EMB.009622 FD.009710	Milburn, Timothy C.	Barnesville
EMB.009623 FD.009712	Schroeder, Jenna L.	Reynoldsburg
FD.009711	Zink, Erin E.	Springfield
DUAL.007824 (Reinstatement)	Monihon, J. Stewart	Copley

CCPM permit to be granted

Permit #	Name	State
CCPM.000004	Stewart, Neil A.	Indiana

Motion to approve applications recommended for licensure.

Motion by Gregory Boyer, second by Thomas Taneff.

Final Resolution: Motion Carries

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

3.02 No Motions Items

4. Compliance

4.01 Recommendation to Charge 1500022

One of our members needs to abstain on the hearing of this case, which will cause a lack of a quorum. Therefore, the Board will not be able to hear this case, until there is another licensed member appointed to the board.

4.02 Recommendation to Charge 1500050 - The J.W. Wills Co./House of Wills and Patricia Wills, AIC*

Prior Issues Before the Board:

January 6, 2014 - A preneed audit was conducted at this funeral home.

February 10, 2014 - The Board heard the cases regarding the following:

Consumer	Misappropriated Amount
Green, Clarence	\$750.00
Finch, Ida	\$1,000.00
Russell, Richard	\$50.00
McBride, Samuel	\$750.00
Taylor, Charles	\$4,989.00
Gaines, Marion	\$1,000.00
Farmer, Leroy	\$600.00
Covington, Richard	\$2,000.00
Battle, Herbert	\$1,475.00
Chandler, LA	\$4,535.00
Given, Mary	\$2,070.25
Taylor, Paul/Robert	\$4,060.00
Noble, Almae	\$189.30
Rondo, Greg	\$25.00
TOTAL	\$23,493.55

In addition the funeral home submitted a claim to Forethought Life Co. reporting the death of a Katherine Moore on November 1, 2012. The claim of over \$12,000 was paid to the funeral home, however Ms. Moore was still living at the time of the claim.

The Board charged the funeral director and funeral home with:

- **With a violation #1 of:** R.C. 4717.14 (A)(4) - The applicant or licensee has committed immoral or unprofessional conduct. 4717-8-01 Unprofessional Conduct (F): Misappropriation by a funeral director,

funeral home or funeral home's employee of any amount of money whether paid by a consumer or acquired by any other means in order to fund his or her funeral services.

- **And order:** Motion For Summary Suspension 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 *Patricia A. Wills' embalmers and funeral directors licenses and *The J.W. Wills Co. / House of Wills funeral home license without a prior adjudicatory hearing.
 1. A finding of fact regarding insurance fraud. Notably a fraudulent claim for death benefit occurred over one year prior to the actual death of the policy holder.
 2. A finding of fact regarding misappropriations of funds. Notably several consumers' funds were not properly vested by the purchase or assignment of an insurance policy or annuity, nor deposited to a trust as required by law.
 3. A finding of fact regarding restitution. Notably the opportunity for consumer repayment is non-existent. Examples supporting funding deficiencies include: A) the funeral home has not paid previous imposed forfeitures by the board. B) A recent inspection of the funeral home building revealed negligence of maintenance. C) The funeral home maintains a low volume of calls for services.
- **With a violation #2 of:** R.C. 4717.10 (A) – A seller of preneed funded contracts who is subject to section 4717.31 – 4717.38 of the Revised Code shall file an annual report relating to all existing funded preneed contracts as of December 31st of the prior year; specifically for failing to include the preneed contract of the deceased in this case on any annual reports filed by the funeral home.
 - **And order:** to Pay Forfeiture (FH 1st Offense 2007) [licensee may request hearing instead] (4717-12-01(A)(2)(a) \$500.00 min -\$5,000.00 max) Amount of forfeiture imposed: \$500.00 Motion: An order to Pay Forfeiture (FH 2nd through 6th Offenses 2008, 2009, 2010, 2011, 2012) [licensee may request hearing instead] (4717-12-01(A)(2)(b)\$7,500.00 min-\$10,000.00 max) Amount of forfeiture imposed: \$7,500.00 per offense x five (5) = \$37,500 A total amount of forfeiture imposed by adding the two motions is equal to \$38,000.00.

The funeral director and funeral home license has remained suspended. The forfeitures have never been paid.

New Information for Consideration:

The Board Inspector and Staff have received an additional concern from a consumer who has interacted with the funeral director. In investigating that concern it has been determined the following individual is able to substantiate a contract in the amounts listed, that has been misappropriated by the funeral director. There were no records associated to this consumers at the funeral home, and they where not listed on the annual preneed reports. Had this consumer not come forward, we would have had no way of knowing they interacted with the funeral director.

Case #	Consumer	Misappropriated Amount
1500050	Spruce, James	\$1,500.00

We bring this additional item for consideration, even though the licenses of the funeral director and funeral home are already summarily suspended; because an order of the board is necessary for them to be considered in any potential administrative and criminal hearings regarding the funeral home and funeral director's licenses.

Recommendation to charge funeral director actual-in-charge and funeral home with the following additional violations:

#1 One Violation of ORC4717.36(A) Within thirty days after the provider of the funeral goods or funeral services receives any payment under a preneed funeral contract, the seller of the preneed funeral contract shall deliver the moneys received for that preneed funeral contract that have not been returned to the purchaser as provided in division (A) of section [4717.34](#) of the Revised Code to the trustee designated in the preneed funeral contract. thirty days after the provider of the funeral goods or funeral services receives any payment under a preneed funeral contract, the seller of the preneed funeral contract shall deliver the moneys received for that preneed funeral contract that have not been returned to the purchaser as provided in division (A) of section [4717.34](#) of the Revised Code to the trustee designated in the preneed funeral contract. *Specifically, for failing to deposit funds the total amount of \$1,500 from James Spruce within 30 days of receipt.*

#2 One Violation of ORC4717.38 shall be construed as a limitation on the manner in which a person is permitted to accept funds in prepayment for funeral services to be performed in the future, or funeral goods to be used in connection with the funeral or final disposition of human remains, to the end that at all times members of the public may have an opportunity to arrange and pay for a funeral for themselves and their families in advance of need while at the same time providing all possible safeguards to ensure that prepaid funds cannot be dissipated, whether intentionally or not, but remain available for payment for funeral goods and funeral services in connection with the funeral or final disposition of dead human bodies. *Specifically for misappropriation of \$1,500.*

#3 One Violation of ORC4717.14(A)(4) The applicant or licensee has committed immoral or unprofessional conduct. OAC4717-8-01(F) Misappropriation by a funeral director, funeral home or funeral home's employee of any amount of money whether paid by a consumer or acquired by any other means in order to fund his or her funeral service. *Specifically for misappropriation of \$1,500.*

#4 One Violation of ORC4717.31(I) - OAC4717-10-01 A seller of preneed funeral contracts who is subject to section 4717.31-4717.38 of the Revised Code shall file an annual report relating to all existing funded preneed contracts as of December 31st of the prior year. *Specifically, for failing to include the preneed contract of James Spruce on any annual reports filed by this funeral home.*

Board meeting notations:

Mr. Thomas Fleming, board president, asked Ms. Vanessa Niekamp, executive director, if the board had possession of the funeral home preneed files. Ms. Niekamp responded affirmatively. Mr. Fleming also questioned if consumers are aware the board has the files. Ms. Niekamp answered affirmatively.

Based upon the written allegations prepared by the Executive Director, the Board hereby determines there is clear and convincing evidence *Patricia A. Wills and *The J.W. Wills Co./ House of Wills have violated ORC4717.36(A), ORC4717.38, ORC4717.14(A)(4), and ORC4717.31(I) and that the licensee's continued practice presents a danger of immediate and serious harm to the public; and therefore motions to summarily suspend the licenses of *Patricia A. Wills (DUAL.008301) and *The J.W. Wills Co./ House of Wills (FH.001289) without a prior adjudicatory hearing.

Motion to charge *Patricia A. Wills (DUAL.008301) and *The J.W. Wills Co./ House of Wills (FH.001289) with the four (4) violation types listed, for a total of four (4) new violations.

Motion by Gregory Boyer, second by Thomas Taneff.

Final Resolution: Motion Carries

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

4.03 Recommendations to Close

Motion to close the following compliance case nos. 1500033, 1500034, 1500041, and 1500042.

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TF8WC5EAF1E/\\$file/Recommendations%20to%20Close.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TF8WC5EAF1E/$file/Recommendations%20to%20Close.pdf)

Motion by Robert Wasko, second by Gregory Boyer.

Final Resolution: Motion Carries

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

4.04 Pending Cases [https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TH9YU8376B3/\\$file/Pending%20Cases.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TH9YU8376B3/$file/Pending%20Cases.pdf)

4.05 Cases Pending with Board Staff [https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TH9ZG8382CF/\\$file/Board%20Order.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TH9ZG8382CF/$file/Board%20Order.pdf)

4.06 Requests for Representation to AAG

Board meeting notations:

Mr. Thomas Fleming, board president, questioned Ms. Summer Moses, board counsel, if she had time to review compliance cases since her transition to board counsel. Ms. Moses replied that she has reviewed most cases and expressed confidence in handling the cases.

5. Continuing Education

5.01 Recommendation to Remove Continuing Education Exemption

MICHAEL J. FETTY - (DUAL.008443) requests removal from CE exemption. Mr. Fetty was first issued the exemption on 07/20/1994, and now meets all the requirements to be removed from the exemption with board approval.

Motion to approve application to remove continuing education exemption.

Motion by Thomas Taneff, second by Robert Wasko.

Final Resolution: Motion Carries

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

5.02 Applications from Individual Licensee(s)

Application from Individual Licensee Requesting Approval of Continuing Education Hours:

AARON L PENDERGRAFT, requests 4 Hours, for Leadership - Motivation by Appreciation, attended on 01/14/2015 in Denver, Colorado

DAVID L VANCE, requests 5 Hours, for Maryland State Funeral Directors 2015 Mid Winter Retreat, attended 02/13/2015 through 02/15/2015

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

Motion by Thomas Taneff, second by Gregory Boyer.

Final Resolution: Motion Carries

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

5.03 Continuing Education Programs - Recommendation to approve

Ms. Vanessa Niekamp, executive director, presented a new color-coded map developed by Mr. Danny Finfrock, continuing education coordinator. The map displays continuing education programs available in select geographical areas in Ohio. [https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TJ9956CEF4E/\\$file/CE%20Area.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TJ9956CEF4E/$file/CE%20Area.pdf)

Motion to approve applications from program providers for continuing education. [https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TJ3UE6542C5/\\$file/2015%20Feb%20CE%20Program.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9TJ3UE6542C5/$file/2015%20Feb%20CE%20Program.pdf)

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

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

6. Thomas Taneff

6.01 Pre-Paid Funeral Fraud

Board meeting notations:

Mr. Thomas Fleming, board president, presented the agenda item for discussion as previously requested by Thomas Taneff.

Mr. Thomas Taneff, board member, affirmed his commitment to discussing misappropriation of preneed funds at each board meeting because of the board's responsibility to the public.

Mr. Taneff shared his disappointment with Ms. Vanessa Niekamp, executive director. He stated that his previous requests for discussion of ideas to thwart misappropriation of preneed funds have not been included with meeting agendas. Mr. Taneff communicated that avoidance of the issue was unacceptable.

Mr. Robert Wasko, board member, recounted to Mr. Taneff years of advocating change in regulation regarding protection of consumers from misappropriation of preneed funds. Mr. Wasko stated the board must not be perceived as being complacent. He believed the board has been active with the issue; most notably investigating the cases and then directing them to county prosecutors to bring charges against known offenders.

Ms. Niekamp added there were no new tools available at this time. The new two-year state budget proposal provided by the Governor's Office does not include any new legislation, regulation, funding, requirements or directives associated to the misappropriation of preneed funds. Ms. Niekamp stated she will provide testimony during budget committee hearings next month supporting the new budget as written by the administration.

Mr. Taneff expressed that he did not understand the correlation between the budget committee hearings and the board's advancement to solve the preneed problem. He voiced committee hearings should not hold up the board's endeavor.

Mr. Taneff questioned Ms. Niekamp about the board's course to counter misappropriation of preneed funds since September 2014. Ms. Niekamp replied that nothing new had been implemented.

Mr. Gregory Boyer, board member, described the inspector's role while auditing preneed files during funeral home inspections. Mr. Boyer asserted the board has been progressive in detecting misappropriation of preneed funds.

Mr. Wasko recalled previous efforts to introduce language to the Ohio Revised and Administrative Codes since 2008 to deter misappropriation of preneed funds. He reported many ideas were dissected from the proposed language, such as a consumer protection fund. He declared Ohio has better governance than some states, but those states with consumer protection funds fare better safeguarding customers.

Mr. Taneff expressed disbelief that the board has not brought one idea for consideration to dissuade misappropriation of preneed funds in the past six months.

Mr. Wasko announced to Mr. Taneff a feeling of offense by his remarks. Mr. Wasko recounted the board's endeavor to deter misappropriation of preneed funds since his appointment to the board.

Mr. Taneff asserted that his appointment to the board was to solve the problem with misappropriation of preneed funds.

Mr. Boyer added his recollection of the board's determination to deter misappropriation since his appointment to the board.

Mr. Taneff suggested involving the Joint Committee on Agency Rule Review (JCARR) to assist in addressing the problem of misappropriation of preneed funds.

Mr. Wasko questioned Mr. Taneff how the law profession addresses misappropriation of a client's escrow fund by one of its licensee. Mr. Taneff did not answer.

Mr. Fleming asked Ms. Summer Moses, board counsel, if she had knowledge or experience with other board's rules regarding misappropriation of funds. Ms. Moses informed Mr. Wasko that she was aware of Attorney's having Trust Accounts that are regulated. She also informed them that there is a Real Estate Recovery Fund that can be applied to recover funds lost because of the bad acts of Real Estate Agents.

Mr. Taneff declared the licensed board members to have the most experience with pre-paid funeral funds, and expressed his desire for them to have at least one idea presented at the next board meeting.

Mr. Fleming and Mr. Wasko responded to Mr. Taneff by repeating the board's previous exertion to avert misappropriation of preneed funds and concluded with assurance the board has not been idle to the topic.

6.02 Review of Meeting Dates for 2015

Board meeting notations:

Mr. Taneff, board member, requested confirmation of the March meeting of the board dates and times. Ms. Vanessa Niekamp, executive director, confirmed the calendar schedule.

Mr. Thomas Fleming, board president, instructed Ms. Niekamp to forward a list of meetings of the board dates and times to board member Linda Betzer.

As provided at the February 11, 2015, meeting:

January	<p>Board Meeting – 1:00 p.m. on Thursday the 15th <i>in room 1918 on the 19th floor of the Riffe Center located at 77 South High Street, Columbus, Ohio 43215.</i></p> <p>Operations Committee Meeting – Thursday the 15th,</p>
---------	--

	<p>Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Thomas Fleming on Wednesday the 14th and Thursday the 15th</p>
February	<p>Board Meeting – 1:00 p.m. on Wednesday the 11th</p> <p>Operations Committee Meeting –Wednesday the 11th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Thomas Fleming and Greg Boyer (back-up) on Tuesday the 10th and Wednesday the 11th</p>
March	<p>Board Meeting – 1:00 p.m. on Monday the 16th and 9:00 a.m. on Tuesday the 17th</p> <p>Operations Committee Meeting –Monday the 16th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Thomas Fleming and Greg Boyer (back-up) on Tuesday the 17th and Wednesday the 18th</p>
April	<p>Board Meeting – 1:00 p.m. on Tuesday the 7th and 9:00 a.m. on Wednesday the 8th</p> <p>Operations Committee Meeting –Monday the 13th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Robert Wasko and Greg Boyer (back-up) on Monday the 6th and Tuesday the 7th</p>
May	<p>Board Meeting – 1:00 p.m. on Monday the 18th and 9:00 a.m. on Tuesday the 19th</p> <p>Operations Committee Meeting –Monday the 18th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Thomas Fleming and Robert Wasko (back-up) on Tuesday the</p>

	19 th and Wednesday the 20 th
June	<p>Board Meeting – 1:00 p.m. on Monday the 15th and 9:00 a.m. on Tuesday the 16th</p> <p>Operations Committee Meeting –Monday the 15th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Thomas Fleming and Greg Boyer (back-up) on Tuesday the 16th and Wednesday the 17th</p>

July	<p>Board Meeting – 1:00 p.m. on Monday the 20th and 9:00 a.m. on Tuesday the 21st</p> <p>Operations Committee Meeting –Monday the 20th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Robert Wasko and Thomas Fleming (back-up) on Tuesday the 21st and Wednesday the 22nd</p>
August	<p>Board Meeting – 1:00 p.m. on Monday the 17th and 9:00 a.m. on Tuesday the 18th</p> <p>Operations Committee Meeting –Monday the 17th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Thomas Fleming and Greg Boyer (back-up) on Tuesday the 18th and Wednesday the 19th</p>
September	<p>Board Meeting – 1:00 p.m. on Wednesday the 16th</p> <p>Operations Committee Meeting –Wednesday the 16th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Robert Wasko and Greg Boyer (back-up) on Tuesday the 15th and Wednesday the 16th</p>

October	<p>Board Meeting – 1:00 p.m. on Monday the 19th and 9:00 a.m. on Tuesday the 20th</p> <p>Operations Committee Meeting –Monday the 19th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Crematory Review Board – 1:00 p.m. on Tuesday the 20th</p> <p>Apprentice Interviews – Conducted by Greg Boyer and Robert Wasko (back-up) on Tuesday the 20th and Wednesday the 21st</p>
November	<p>Board Meeting – 1:00 p.m. on Monday the 16th and 9:00 a.m. on Tuesday the 17th</p> <p>Operations Committee Meeting –Monday the 16th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Crematory Review Board – 1:00 p.m. on Tuesday the 17th</p> <p>Apprentice Interviews – Conducted by Robert Wasko and Greg Boyer (back-up) on Tuesday the 17th and Wednesday the 18th</p>
December	<p>Board Meeting – 1:00 p.m. on Monday the 14th and 9:00 a.m. on Tuesday the 15th</p> <p>Operations Committee Meeting –Monday the 14th, Riffe Center Room 1640, immediately follows the regular meeting of the board.</p> <p>Apprentice Interviews – Conducted by Greg Boyer and Robert Wasko (back-up) on Tuesday the 15th and Wednesday the 16th</p>

All meetings will be held in the **Board Room** on the **31st Floor** of the **Riffe Center** located at 77 South High Street, Columbus, Ohio 43215, *unless otherwise noted*. **All Board meetings are open to the public. Apprentice Interviews are not public meetings.**

7. Items of Interest

7.01 Regulation in the Media

In Ohio:

ABC6 Investigators looked into concerns about Ohio's Veterinary Licensing Board. The attached link will take you to the video: <http://www.abc6onyourside.com/news/features/top-stories/stories/Protecting-Your-Pets-ABC-6-Investigates-Issues-with-Ohio-Veterinary-Licensing-71428.shtml#.VMuWDmjF98E>



Patrick McClurkin, the younger of the two McClurkin brothers charged with defrauding more than 50 customers of their former Girard funeral home, has pleaded guilty to reduced charges and will be sentenced later. Patrick McClurkin, 48, of Abbey Street in Girard, appeared before Judge Ronald Rice of Trumbull County Common Pleas Court this afternoon and pleaded guilty to five charges that could result in a prison term of up to 10 years. But in exchange for testimony against his brother, Robert McClurkin, Patrick McClurkin could get only probation, according to his plea agreement. Patrick McClurkin will be sentenced after the case against his brother concludes. - See more at: <http://www.vindy.com/news/2015/jan/23/reduced-charges-mcclurkin-funeral-fraud-case/?nw#sthash.DFmpvhRo.dpuf>

Outside Ohio:

Jacksonville, AK - The Arkansas Board of Embalmers and Funeral Directors voted unanimously to suspend the license of LeRoy Wood and Arkansas Funeral Care in Jacksonville. THV11 reported last Friday that the funeral home is being investigated for what one former employee is calling "complete disregard for the dead." On Tuesday, Ed Snow, the embalmer at the facility, filed his official response, and it was released to THV11 by officials. Video is available at: <http://www.thv11.com/story/news/local/2015/01/20/read-official-response-from-funeral-home-regarding-complaints/22069179/>

Follow-up story regarding the need for more inspectors and proposing laws for inspecting funeral homes more than once a year. Video is available at: <http://www.katv.com/story/28018520/there-oughta-be-a-law-funeral-home-oversight>

Additional story regarding funeral homes overwhelmed with concerns after the closing of Arkansas Funeral Care. Video is available at: <http://www.thv11.com/story/news/local/jacksonville/2015/02/02/funeral-homes-overwhelmed-with-concerns-after-closure/22782077/>

Charleston, WV - A proposed bill would make it a misdemeanor to photograph a corpse: <http://connectingdirectors.com/articles/45632-proposed-bill-would-make-it-a-misdemeanor-to-take-pictures-of-corpses>

Rogersville, TN - The owner/operator of a local cemetery was arrested Tuesday afternoon after she was indicted by a Hawkins Co. Grand Jury on charges of theft of \$60,000 or more, money laundering offenses, and forgery: http://www.therogersvillereview.com/news/article_441decb8-abe4-11e4-b11e-07e4508c283f.html

Shelbyville, IN - Glenn E. George & Son Funeral Home operated with an expired funeral home license for almost 10 years and an expired certificate of authority for almost 11 years, but continued to perform funeral services and advise on prearrangements: http://www.shelbynews.com/news/article_8b310874-a01d-11e4-a21e-8f4530a18946.html

Austin, TX - Judge rules the coffin of Lee Harvey Oswald belongs to his brother and not a Fort Worth funeral home that sought to seel it for more than \$87,000: <http://www.nytimes.com/2015/01/31/us/oswalds-coffin-belongs-to-his-brother-not-funeral-home-a-judge-rules.html>

Dallas, TX - Two funeral directors were charged with abuse of corpse after police found eight bodies, including an infant, in varying stages of decay at the Johnson Family Mortuary. The two were indicted on theft charges. They are accused of accepting payments and dead bodies in exchange for services they didn't intent to deliver. They also face charges for food stamp benefit fraud. <http://crimeblog.dallasnews.com/2015/01/former-fort-worth-funeral-director-pleaded-guilty-to-food-stamp-benefit-fraud.html/>

Bethlehem, PA - State fines Funeral Director John Sunday \$2,000 and issues him a public reprimand for failing to fulfill the professional responsibilities of a funeral director. The case involved the family of the deceased never receiving the cremains. <http://www.mcall.com/news/local/watchdog/mc-funeral-director-john-sunday-boyko-funeral-home-watchdog-20150131-column.html>

The Pennsylvania State Board of Funeral Directors fined Michael H. Heinrich \$1,000 and revoked his funeral license, effective Jan. 9. The board's records indicate that Heinrich did not return a balance of nearly \$200 to the family of a deceased woman and did not keep records of her funeral in 2012. <http://www.observer-reporter.com/article/20150130/NEWS01/150139929>

Hawthorne, NJ - Sean Scillieri, who ran his family's funeral business in Paterson was indicted Tuesday with six other people on charges related to an alleged bad-check writing scheme that caused \$260,000 of losses for two check-cashing businesses over the course of four months, authorities said. <http://www.northjersey.com/news/operator-of-paterson-funeral-home-is-charged-with-alleged-accomplices-in-bad-check-scheme-1.1263714>





Pittsburgh, PA - More funeral homes and cemeteries in our area are now offering services catering to animal lovers and their pets. It's now possible to hold visitation for your deceased dog or cat. You can also be buried next to your faithful companion. <http://pittsburgh.cbslocal.com/2015/02/03/many-funeral-homes-now-offering-services-for-pet-owners/>

Board meeting notations:

Ms. Vanessa Niekamp, executive director, presented the agenda items.

Mr. Thomas Fleming, board president, suggested reviewing cemetery regulations in other states concerning identification and investigation of misappropriation of funds by cemetery operators.

10. Adjournment - President

10.01 Adjourn the Meeting

Board meeting notations:

Mr. Taneff requested the record of the board to reflect he was leaving the meeting at 2:45 p.m. for a personal appointment.

Ms. Vanessa Niekamp, executive director, advised Mr. Thomas Fleming, board president, the February 2015 Meeting of the Board would be required to adjourn due to lack of quorum as a result of Mr. Taneff's departure.

Ms. Summer Moses, board counsel, confirmed that if the board was no longer a quorum they would need to adjourn.

Motion to adjourn meeting at 2:45 p.m.

Motion by Gregory Boyer, second by Robert Wasko.

Final Resolution: Motion Carries

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