

**Regular Meeting (Monday, July 20, 2015)**

Generated by Jarrod Williams and Vanessa Niekamp on Tuesday, July 21, 2015

This meeting of the Board of Embalmers and Funeral Directors was video recorded. You may view this meeting in it's entirety at: <https://youtu.be/pibn0KndhoE> to fully understand and appreciate the rationale behind the board's decisions.

**Members present**

Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

Meeting called to order at 1:01 PM

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

---

## 1.01 Calling of the Roll

## 1.02 Introduction of New Members - Bryan Chandler and Jack Marchbanks

President Fleming acknowledged the service of the prior public member, Linda Betzer and asked the Executive Director to send her a letter of appreciation on behalf of the board.

**2. Reorganization of the Board**

---

## 2.01 Election of New President

Robert Wasko nominated Greg Boyer as Board President.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 2.02 Election of New Vice President

Gregory Boyer nominated Robert Wasko as Board Vice-President.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 2.03 Election of New Secretary-Treasurer

Gregory Boyer nominated Bryan Chandler as Board Secretary-Treasurer.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 2.04 Passing of the Gavel - President Fleming

## 2.05 Committee Appointments

Pursuant to Section 4717.03(D) of the Ohio Revised Code, the President appointed members to the following committees as follow:

## 1. Crematory Review Board:

1. Robert Wasko
2. Thomas Fleming
3. Bryan Chandler

## 2. Operations Committee:

1. Board President
2. Board Vice-President
3. Board Secretary-Treasurer

**3. Persons Before the Board**

---

## 3.01 Reciprocal - Patrick T. Carroll

To permit Patrick T. Carroll to take the required examination(s) and upon earning a passing score to submit an application for licensure to reciprocate his Funeral Directors and Embalmers licenses from Michigan.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 3.02 Reciprocal - Theresa A. Correa

To permit Theresa A. Correa to take the required examination(s) and upon earning a passing score to submit an application for licensure to reciprocate her Funeral Directors and Embalmers licenses from Iowa.

Motion by Thomas Taneff, second by Jack R Marchbanks.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

### 3.03 Reciprocal - Fredricka D. Jones

To permit Fredricka D. Jones to take the required examination(s) and upon earning a passing score to submit an application for licensure to reciprocate her Funeral Directors and Embalmers licenses from Pennsylvania.

Motion by Thomas Taneff, second by Bryan E Chandler.  
Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 4. Consideration of Minutes

---

### 4.01 Consideration of the March 2015 Minutes

Motion to approve

Motion by Robert Wasko, second by Thomas Fleming.  
Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Gregory Boyer, Thomas Fleming, Robert Wasko  
No: Thomas Taneff

### 4.02 Consideration of the April 2015 Minutes - Day One of Two

Motion to approve

Motion by Robert Wasko, second by Thomas Fleming.  
Final Resolution: Motion Carries

Yes: Bryan E Chandler, Gregory Boyer, Thomas Fleming, Robert Wasko  
No: Thomas Taneff  
NOT VOTING (Abstain/Present): Jack R Marchbanks

### 4.03 Consideration of the May 2015 Minutes

Motion to approve

Motion by Robert Wasko, second by Thomas Fleming.  
Final Resolution: Motion Carries

Yes: Bryan E Chandler, Gregory Boyer, Thomas Fleming, Robert Wasko  
No: Thomas Taneff  
NOT VOTING (Abstain/Present): Jack R Marchbanks

### 4.04 Consideration of the June 2015 Special Meeting of the Board Minutes

Motion to approve

Motion by Robert Wasko, second by Thomas Fleming.  
Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

## 5. Licensure

---

### 5.01 Applications Recommended for Licensure

Motion to approve

Motion by Thomas Taneff, second by Bryan E Chandler.  
Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

#### ***Initial licenses to be granted:***

License #	Name	Location
FD.009737	Budd, Brian L.	Ashland
FD.009738	Geisman, Amy S.	Fairview Park
FD.009739	Meehan, Jennifer A.	Toledo
EMB.009644 FD.009740	Morabith, Catherine A.	Parma Hts.
EMB.009645 FD.009741	Oliver, Lindsey A.	Beavercreek
EMB.009646 FD.009742	Werner, Joshua R.	Mansfield
EMB.009647 FD.009743	Wiese, Kia L.	New Philadelphia

#### ***Courtesy Card Permit to be granted:***

Permit #	Name	State
CCPM.000007	Sajewski III, Stanley	Michigan

***New Building / New Facility - New Funeral Home License:***

<b>License #</b>	<b>Firm Title</b>	<b>Location</b>
FH 003419	Burkey Funeral Home	Hilliard
CREM 000194	Elite Cremation Services	Bellefontaine
CREM 000195	Greater Dayton Crematory Service	Dayton
CREM 000196	Haller Funeral Home LLC	Chillicothe
CREM 000197	Heitger Crematories LLC.	Canal Fulton

***Leasing Space - New Funeral Home License:***

<b>New License #</b>	<b>Leasing To</b>	<b>Leasing From</b>	<b>Location</b>
FH 003411	Jeff Monreal Funeral Home LLC	MCPMAHON-COYNE-VITANTONIO FH	Mentor
FH 003412	Jeff Monreal Funeral Home LLC	MCPMAHON-COYNE-VITANTONIO FH	WILLOUGHBY
FH 003413	Napoli Funeral Services	CORRIGAN-DEIGHTON FH	Euclid

***Change of Ownership / Existing Facility - New Funeral Home License:***

<b>License #</b>	<b>Firm Title</b>	<b>Location</b>
FH 003414	BLANCHARD-STRABLER FUNERAL HOME	Toledo
FH 003415	D.W Swick- Nelson Funeral Home	New Boston
FH 003416	D.W Swick- Nelson Funeral Home	South Webster
FH 003417	GUNDER/HALL & SNYDER FH	Marion
FH 003418	H H BIRKENKAMP FUNERAL HOME	Toledo
FH 003420	HOEFLINGER-BOLANDER FUNERAL HOME	Oregon
FH 003421	L EUGENE SMITH & SON FUNERAL HOME	New Vienna
FH 003422	NEVILLE FUNERAL HOME	Toledo
FH 003423	NEVILLE FUNERAL HOME	Holland
FH 003424	Reynolds-Smith Funeral Home	Wilmington
FH 003425	WITZLER-SHANK FUNERAL HOME	Walbridge
FH 003426	WITZLER-SHANK FUNERAL HOME	Perrysburg

***Approval of Paperwork Prior to Occupancy Permit and Final Inspection:***

<b>Type of Facility</b>	<b>Firm Title</b>	<b>Location</b>
Funeral Home	Kirby Funeral Home	Toledo

***Name Changes:***

<b>License #</b>	<b>Current Name</b>	<b>New Name</b>	<b>County</b>
FH 003387	Bowman & Young Funeral Home	Young Lusain Funeral Home	Montgomery
FH 002335	Cox Funeral Home	Cox-McNulty Funeral Home	BARBERTON
FH 001055	Mills-Cox Funeral Home	Cox-McNulty Funeral Home	WADSWORTH
FH 003391	Powers Funeral Home	Powers - Kell Funeral Home	Greene
FH 003364	VIELHAUER-CLEPPER FUNERAL HOME	Clepper-Kelsch Funeral Home	Hamilton
FH 002944	WALTER-SMITH FH	Walter & Stowe Funeral Home	Champaign

## 5.02 Licensure Information Items

**Individuals issued a registration number:**

Type	Name	City	Issue Date
FD	Crown,Kelly	S Euclid	05/18/15
FD	Nesbitt, Lemoyne	Cleveland	05/08/15
FD	Reeb, Abby	Sylvania	05/04/15
DUAL	Thomas, Adam	Beavercreek	05/07/15
DUAL	Blanchard, Amanda	Toledo	06/18/15
DUAL	Garrity, Sara	Mason	06/05/15
DUAL	Katsanis, Kelsey	Marietta	60/01/15
FD	McBeth, Nathan	Marion	06/18/15
DUAL	McGill, Bailey	Mechanicsburg	06/15/15
DUAL	Pope III, William	Garfield Hts.	06/08/15
DUAL	Pugh, Jonathan	Austintown	06/08/15
DUAL	Schrock, Andria	Mason	06/01/15
DUAL	Slipsky, Allison	Hilliard	06/15/15
DUAL	Wagner, Shirley	Bryan	06/15/15
FD	Wilson, Jarrod	Gahanna	06/02/15

**Individuals Certified as Apprentices**

DUAL	Hawkins, Claire	Jos C Schulte & Mahon-Murphy	Lynhurst	06/08/15
DUAL	Nesbitt, Lemoyne	Nesbitt Funeral Home	Cleveland	06/01/15
DUAL	Reeb, Abby	Reeb Funeral Home	Sylvania	06/15/15
DUAL	Thomas, Adam	Tobias Funeral Home	Beavercreek	06/15/15
DUAL	Blanchard, Amanda	Blanchard-Strabler FH	Toledo	06/28/15
DUAL	Cook, Rachel	Chas C Young FH	Fairfield	06/12/15
FD	Crown, Kelly	Maher-Melbourne FH	S Euclid	06/10/15
DUAL	Fouts, Arielle	O R Woodyard	Columbus	06/09/15
DUAL	Garrity, Sara	Mueller Funeral Home	Mason	06/16/15
DUAL	Katsanis, Kelsey	Roberts Funeral Home	Marietta	06/01/15
DUAL	McGill, Bailey	Skillman McDonald & Vernon FH	Mechanicsburg	06/15/15
DUAL	Pope III, William	Lucas Memorial Chapel	Garfield Hts.	06/13/15
DUAL	Pugh, Jonathan	Higgins-Reardon FH	Austintown	06/08/15
DUAL	Schrock,Andria	Shorten & Ryan FH	Mason	06/01/15
DUAL	Slipsky, Allison	Tidd Funeral Home	Hilliard	06/17/15
DUAL	Wagner, Shirley	Krill Funeral Home	Bryan	06/15/15

**Change of manager and/or AIC (AIC name will need to be added to funeral home sign within 24 months):**

License #	Firm Title	Licensee Name	Type	Location
FH 003235	BENNETT-BROWN-RODMAN & SNYDER FH	JAMISON, TYLER	MGR	Delaware
FH 003112	KAUBER-FRALEY FH	JOSHUA B FRALEY	MGR	Pataskala
FH 002594	LANE FAMILY FH	WALTER G SINN JR	MGR	Austintown
FH 002780	LANE FAMILY FH	WALTER G SINN JR	MGR	Warren
FH.002437	NEWCOMER FH	Eric C. Bonifield	MGR	Columbus
FH 003371	WALKER FUNERAL HOME	JERRY W KINLEY	MGR	Cincinnati
FH 003364	Clepper-Kelsch Funeral Home	SAMUEL T KELSCH	AIC	Cincinnati
FH 002335	Cox Funeral Home	Timothy J. McNulty	AIC	Wadsworth
FH 002480	MCMAHON-COYNE-VITANTONIO FH	JEFFREY R MONREAL	AIC	WILLOUGHBY
FH 002479	MCMAHON-COYNE-VITANTONIO FH	JEFFREY R MONREAL	AIC	MENTOR

FH 001055	Mills-Cox Funeral Home	Timothy J. McNulty	AIC	Barberton
FH 003387	Young Lusain FH	WONN ERIC LUSAIN	AIC	Dayton
FH 003088	CORRIGAN-DEIGHTON FH	DAVID A NAPOLI	AIC/MGR	Euclid

**Occupancy Permit and Final Inspection received: New Funeral Home License**

New FH Number	Firm Title	Location	County
FH 003409	Burkey Funeral Home	Parma	Cuyahoga
FH 003410	SLONE & CO FUNERAL DIRECTORS	Cleveland	Cuyahoga

## 6. Continuing Education

### 6.01 Continuing Education Program(s) Recommending to Deny

Motion to approve 1 hour for program as requested.

Motion by Thomas Taneff, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Thomas Fleming, Robert Wasko

No: Gregory Boyer

Program Title	Sponsor	Hours Requested
Substance Abuse: Awareness and Insights	Balin and Associates	6

### 6.02 Continuing Education Programs - Recommendation to Approve

Motion to approve

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YHR46B0873/\\$file/2015%20July%20CE%20Program.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YHR46B0873/$file/2015%20July%20CE%20Program.pdf)

### 6.03 Continuing Education Applications from Licensee(s)

Motion to approve

Motion by Robert Wasko, second by Thomas Fleming.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

**Application from Individual Licensee Requesting Approval of Continuing Education:**

License #	Name	Date	Location	Hours	Program Title
DUAL.008831	DEANE A SENN	03/19/2015	Phoenix, AZ	8	Donor Network of Arizona
FD 009203	Joy D Mooney	05/29/2015	Wayne West Virginia	3	Blood Pathogens / OSHA
DUAL.009371	BRITTANY K JONES	05/25/2015	Fort Collins, Colorado	18	WHY We Need Funerals

### 6.04 Continuing Education Exemption(s)

Motion to approve

Motion by Bryan E Chandler, second by Thomas Fleming.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

**50 year Exemption(s):**

License #	Name	Date Issued
DUAL.005959	KYLE, A. RAY	11/16/1953
FD.005286	HANNEMAN, MERCENE	05/09/1961

### 6.05 Audit - CE Program Not Approved

Motion to issue written advisement of violation.

Motion by Thomas Fleming, second by Jack R Marchbanks.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasiko

*Motion to issue a written advisement to licensee for violation of:*

**4717.09 Continuing education.**

(C) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or exemption under division (D) or (E) of this section.

**4717-9-01 Continuing education requirements.**

(M) The board may conduct a random audit of the continuing education records of a number of the licensees to be determined by the board each renewal period. The board will notify licensees who are randomly selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(2) Failure to comply with the continuing education audit will result in the commencement of disciplinary action by the board.

***Details of the Case:***

The following licensee answered YES to the following question on their 2015-2016 license renewal.

- The board will conduct a random audit. If chosen, you will need to provide copies of your 18 hours, your continuing education certificates of completion. Again, the 18 hours of continuing education is a prerequisite for your license renewal. The date on the certificates of completion will be compared to the date of this renewal. As of this date, have you completed the required 18 hours of continuing education within the 2013 - 2014 compliance period?**

The licensee responded to the audit with the required number of hours. However, the hours included programs not approved by the board.

License #
DUAL 008453 - Donald Sly case no. 2016-1600002
DUAL 008381 - Doris Sanner case no. 2016-1600003
DUAL 008526 - Matthew Reed case no. 2016-1600004

**6.06 Audit - Misrepresentation on Renewal Application**

Motion to charge licensee with a violation of ORC 4717.14 (A)(1)(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application. Order a forfeiture in the amount of \$1,000, with an opportunity for hearing.

Motion by Robert Wasiko, second by Thomas Fleming.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasiko

*Motion to charge licensee with a violation of:*

**4717.14 Disciplinary actions.**

(A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:

(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. ***Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application.***

***And order:*** Forfeiture in the amount of one thousand dollars (\$1,000.00); with opportunity for hearing.

**4717-12-01. Forfeitures**

(A) For purposes of division (A)(9) of section [4717.04](#) of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717, of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section [4717.15](#) of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(1) For obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of one thousand dollars to a maximum fine of five thousand dollars.

***Details of the Case:***

The following licensee answered YES to the following question on their 2015-2016 license renewal.

- The board will conduct a random audit. If chosen, you will need to provide copies of your 18 hours, your continuing education certificates of completion. Again, the 18 hours of continuing education is a prerequisite for your license renewal. The date on the certificates of completion will be compared to the date of this renewal. As of this date, have you completed the required 18 hours of continuing education within the 2013 - 2014 compliance period?**

Licensee renewed prior to completing the CE hours. However, the required hours were completed within the compliance period.

License #	Renewal Date	CE Completion Date

DUAL 008926 - Paul Wirick case no. 2016-1600005	09/16/2014	11/12/2014
FD 009052 - Dwight Secrest case no. 2016-1600006	12/29/2014	12/31/2014
DUAL 007588 - Ronald Bramley case no. 2016-1600008	09/18/2014	11/17/2014
DUAL 008541 - Thomas Theller case no. 2016-1600007	09/16/2014	11/04/2014
DUAL 008548 - Cynthia Elliott case no. 2016-1600009	12/21/2014	12/30/2014
FD 009424 - Nathaniel Douglas case no. 2016-1600010	10/23/2014	11/12/2014

#### 6.07 Audit - Misrepresentation on Renewal Application and Late with CE Hours

Motion to charge licensee with a violation of ORC 4717.14 (A)(1)(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application. Order a forfeiture in the amount of \$2,000, with an opportunity for hearing.

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

#### *Motion to charge licensee with a violation of:*

##### **4717.14 Disciplinary actions.**

(A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:

(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. ***Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application.***

***And order:*** Forfeiture in the amount of two thousand dollars (\$2,000.00); with opportunity for hearing.

##### **4717-12-01. Forfeitures**

(A) For purposes of division (A)(9) of section 4717.04 of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717. of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section 4717.15 of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(1) For obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of one thousand dollars to a maximum fine of five thousand dollars.

#### ***Details of the Case:***

The following licensee answered **YES** to the following question on their 2015-2016 license renewal.

**1. The board will conduct a random audit. If chosen, you will need to provide copies of your 18 hours, your continuing education certificates of completion. Again, the 18 hours of continuing education is a prerequisite for your license renewal. The date on the certificates of completion will be compared to the date of this renewal. As of this date, have you completed the required 18 hours of continuing education within the 2013 - 2014 compliance period?**

Licensee renewed prior to completing the CE hours. However, the required hours were not completed until after the compliance period. If the licensees had been truthful on the renewal application, they would not have been able to be licensed until after December 31, 2014, and would have incurred late fees on their license.

License #
DUAL 008283 - Samuel Clemente case no. 2016-1600011
DUAL 008019 - Eugene Wood case no. 2016-1600012
DUAL 008045 - Brent Miller case no. 2016-1600013

#### 6.08 Audit - Misrepresentation on Renewal Application and Failed to Meet Requirements

Motion to charge licensee with a violation of ORC 4717.14 (A)(1)(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application.

And a violation of ORC 4717.09 (C), OAC4717-9-01 (M)(2). Specifically, the licensee failed to meet the continuing education requirements.

Propose the denial of the renewal of the license via an adjudicatory hearing.

Motion by Thomas Fleming, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

#### *Motion to charge licensee with a violation of:*

##### **4717.14 Disciplinary actions.**

(A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:

(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. ***Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application.***

***And with a violation of:***

**4717.09 Continuing education.**

(C) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or exemption under division (D) or (E) of this section.

**4717-9-01 Continuing education requirements.**

(M) The board may conduct a random audit of the continuing education records of a number of the licensees to be determined by the board each renewal period. The board will notify licensees who are randomly selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(2) Failure to comply with the continuing education audit will result in the commencement of disciplinary action by the board.

*And propose:* Denial of the renewal of the license via an adjudicatory hearing.

**Details of the Case:**

The following licensee answered YES to the following question on their 2015-2016 license renewal.

**1. The board will conduct a random audit. If chosen, you will need to provide copies of your 18 hours, your continuing education certificates of completion. Again, the 18 hours of continuing education is a prerequisite for your license renewal. The date on the certificates of completion will be compared to the date of this renewal. As of this date, have you completed the required 18 hours of continuing education within the 2013 - 2014 compliance period?**

**Licensee responded to the audit indicating they had the CE hours. However, not all certificates were provided to substantiate the hours claimed. The licensee was notified they needed to provide the missing certificates, but failed to do so. Without the certificates the licensee does not have enough hours to meet the requirement.**

<i>License #</i>	<i>Renewal Date</i>
DUAL 007865 - Jon Patterson case no. 2016-1600014	12/10/2014

**Licensee responded to the audit indicating they did not have the required hours. One stated they had an exemption, but does not. The remaining two licensee did not provide an excuse.**

<i>License #</i>	<i>Renewal Date</i>
DUAL 006261 - Charles Scott case no. 2016-1600015	09/08/2014
DUAL 005951 - Terrance Hennessy case no. 2016-1600016	10/06/2014
DUAL 006184 - Kenneth Bartels case no. 2016-1600017	11/24/2014

Did not respond to the original 2013 - 2014 continuing education audit notice. Notice of audit was then re-sent via certified of mail and notice of receipt received back.

<i>License #</i>	<i>Renewal Date</i>
FD 008548 - Daniel B. Cawley case no. 2016-1600018	12/29/2014
DUAL 008789 - Robert Berteau case no. 2016-1600019	12/25/2014

**6.09 Audit - Misrepresentation on Renewal Application, Misrepresentation of Certificate, and Failed to Meet Requirements**

Motion to charge licensee with two violations of ORC 4717.14 (A)(1)(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application and misrepresentation by providing a certificate of completion not issued to the licensee that had been altered. And a violation of ORC 4717.09 (C), OAC4717-9-01 (M)(2). Specifically, the licensee failed to meet the continuing education requirements.

Propose the denial of the renewal of the license via an adjudicatory hearing.

Motion by Jack R Marchbanks, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

*Motion to charge licensee with two (2) violations of:*

**4717.14 Disciplinary actions.**

(A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:

(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. ***Specifically, the licensee misrepresented they had the prerequisite continuing education hours on the renewal application and misrepresentation by providing a certificate of completion not issued to the licensee that had been altered.***

**4717-12-01. Forfeitures**

(A) For purposes of division (A)(9) of section 4717.04 of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717. of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section 4717.15 of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(1) For obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of one thousand dollars to a maximum fine of five thousand dollars.

*And with a violation of:*

**4717.09 Continuing education.**

(C) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or exemption under division (D) or (E) of this section.

**4717-9-01 Continuing education requirements.**

(M) The board may conduct a random audit of the continuing education records of a number of the licensees to be determined by the board each renewal period. The board will notify licensees who are randomly selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(2) Failure to comply with the continuing education audit will result in the commencement of disciplinary action by the board.

*And propose:* Denial of the renewal of the license via an adjudicatory hearing.

### **Details of the Case:**

The following licensee answered YES to the following question on their 2015-2016 license renewal.

**1. The board will conduct a random audit. If chosen, you will need to provide copies of your 18 hours, your continuing education certificates of completion. Again, the 18 hours of continuing education is a prerequisite for your license renewal. The date on the certificates of completion will be compared to the date of this renewal. As of this date, have you completed the required 18 hours of continuing education within the 2013 - 2014 compliance period?**

Licensee renewed prior to completing the CE hours.

Licensee provided a certificate from the Ohio Funeral Directors Association for 2 hours that would help the licensee have a total 18 hours as required. However, that certificate appeared to be altered with the name of the participant changes to reflect this licensee. An investigation of the issue determined the licensee was not at the training session and the certificate was not issued to this licensee.

License #	Renewal Date
FD 009157 - Pete Morrison case no. 2016-1600020	09/09/2015

## **7. Compliance**

### 7.01 Recommendation to Charge Case 1500058 - Charles E. Watson, Jr. (DUAL.009378)

Motion to charge Charles E. Watson, Jr. with a violation of ORC 4717.14 (A)(1)(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. Specifically, Charles E. Watson, Jr. has plead guilty to and been found guilty of a felony, but affirmed under penalty of law that he had not on his 2015/2016 license renewal application. Propose the denial of the renewal of the license via an adjudicatory hearing.

Motion by Jack R Marchbanks, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

#### *Details of Case 2015-1500058:*

11/21/2014 - The licensee renewed his DUAL license and attested to the following:

- At the beginning of the renewal licensee is warned: *"Please review all information you have provided. Click on the "Review" button to change any information given or click on the "I agree" button to verify that all information posted below is correct and to proceed to payment options. Please not that knowingly providing false information may result in denial of registration."*
- Have you been found guilty of, or plead guilty or no contest to a felony? Answer: *"NO"*
- Directly after the question regarding the felony they are required to certify: *"I the undersigned (enter your name in the box below), hereby certify that the information that I have entered is absolutely true, I am aware that misrepresentation on this online application will result in disciplinary action against the license listed above, in accordance with Section 4717 Revised Code."* Answer: (typed First and Last Name)
- Upon conclusion of the application and prior to submission the licensee must affirm: *"I understand that submitting a false, fraudulent, or forged statement or document or omitting a material fact in obtaining licensure may be grounds for disciplinary action against my license. Under penalty of law, I hereby swear or affirm that the information I have provided in the application is complete and correct, and that I have complied with all criteria for applying on line."*

03/18/2015 - An individual identifying herself as a court representative contacted the board office via phone and spoke with Linda Clark and then was transferred to Executive Director Vanessa Niekamp. The complainant alleged the licensee was a convicted felon associated to sexually assaulting a young girl years ago, later a domestic violence against the mother of his child, and was now in court regarding sexual abuse of his four (4) year old daughter.

Later the same day, the complainant emailed documents alleged to be from the court showing prior issues before the county court in support of the prior allegations.

03/20/2015 - The complainant provided additional documents via email in support of the allegations.

05/13/2015 - The licensee provided a written response to the allegations stating he is seeking custody of his daughter and that his daughters mother, and daughters grandmother have been threatening him personally, physically and professionally.

He goes on to state, *"All questions on the 2015 License Renewal, titled "Renewal ID 2562326" were answered accurately. Two anonymous complaints were indicated and I was not found guilty of either a felony in \_\_\_\_\_ County or Domestic Violence in \_\_\_\_\_."*

He indicated in the response that he had submitted to a background check that would be mailed directly to the board.

06/05/2015 - The background check for the licensee arrived directly from BCI&I. The report indicates:

1. 11/10/2000 - Original Charge, Arrest, Pandering Obscenity F2 ORC2907.32
2. 06/01/2001 - Final Court Disposition, Convicted, 3 Counts, Unlawfully Possess Photo **Felony 5** ORC2907.323A3
3. 07/11/2014 - Original Charge, Arrest, Domestic Violence MIS ORC2919.25
4. 09/24/2014 - Final Court Disposition, Convicted, Disorderly Conduct ORC2917.11

A Journal Entry filed by the County Court of Common Pleas on 05/09/2001 indicates the licensee entered a plea of guilty to unlawful possession of photographs, felony 5.

The Grand Jury of the State of Ohio indictment for Corruption of a Minor ORC2907.04 states the licensee, *"unlawfully engaged in sexual conduct with \_\_\_\_\_, not his spouse and (licensee) being eighteen years of age or older, to-wit: 20 years old, knowing that \_\_\_\_\_ was 13 years of age or older, but less than 16 years of age, to-wit: (DOB Month) (DOB Day), 1985, date of birth, or being reckless in that regard."*

In the Bill of Particulars for the case it indicates the licensee on the 15th birthday of \_\_\_\_\_, "unlawfully did, with knowledge of the character of material involved, create, record, photograph, film, develop, reproduce or publish any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. Furthermore, on the same date, at the same time, and at the same location (licensee's home), (licensee) unlawfully engaged in sexual conduct with \_\_\_\_\_."

## 7.02 Recommendation to Charge Case 1500066 - Eugene Brown (DUAL.009122)

Motion to charge the licensee with a violation of ORC 4717.14 (A)(1) Specifically, the licensee misrepresented he had the prerequisite continuing education hours on the renewal application. And a violation of ORC 4717.14 (A)(3) Specifically, the licensee purposely violated a rule or order of the department of health governing the disposition of dead human bodies by failing to obtain the burial permit prior to interment. And a violation of ORC 4717.09 (C) Specifically, the licensee has failed to meet the continuing education requirements. Propose the denial of the renewal of the license via an adjudicatory hearing.

The case will be provided to the Cemetery Resolution Commission within the Department of Commerce. The Executive Director will report back to the board on any findings by the Cemetery Resolution Commission.

Motion by Thomas Fleming, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

### *Details of the Case:*

05/20/2015 - The Board received a complaint from the City Health Department alleging the funeral director at the funeral home buried a deceased individual on 04/27/2015 without a burial permit.

05/27/2015 - The complaint with a request for response and proof of continuing education hours was mailed to the funeral director.

06/10/2015 - The funeral director responded stating he needed more time to provide information.

06/15/2015 - A letter to the funeral director was issued providing a final deadline to provide all information by 06/22/2015.

06/15/2015 - The funeral director's response indicates he was not able to complete the burial permit because the Department of Health would not help him. He did not provide proof of continuing education hours as requested.

07/08/2015 - The Department of Health reviewed the data in their system and determined the original permit as entered was denied in late May due to disposition already taking place in April.

### *Review of CE hours:*

The funeral director answered YES to the following question on his 2015-2016 license renewal.

**1. The board will conduct a random audit. If chosen, you will need to provide copies of your 18 hours, your continuing education certificates of completion. Again, the 18 hours of continuing education is a prerequisite for your license renewal. The date on the certificates of completion will be compared to the date of this renewal. As of this date, have you completed the required 18 hours of continuing education within the 2013 - 2014 compliance period?**

The funeral director has failed to provide proof of hours as requested.

## 7.03 Recommendations to Close

Motion to close the attached six (6) cases

Motion by Thomas Fleming, second by Jack R Marchbanks.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YG2A2746284/\\$file/Recommendations%20to%20Close.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YG2A2746284/$file/Recommendations%20to%20Close.pdf)

## 7.04 Requests for Representation to AAG

AAG, Moses informed the board a hearing will be held August 26, 2015, for the Robert Tate and Tate Funeral Services case.

## 7.05 Pending Cases

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YG2GJ76759D/\\$file/Pending%20Cases.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YG2GJ76759D/$file/Pending%20Cases.pdf)

# 8. Revisions to Internal Policies and Procedures

## 8.01 Access to Confidential Personal Information

Motion to adopt.

Motion by Robert Wasko, second by Thomas Fleming.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

<http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=9MZTKT723686>

## 8.03 Board Member Time and Attendance

Motion to adopt.

Motion by Robert Wasko, second by Thomas Fleming.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

<http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=9L7T8J71B15D>

## 8.04 Time and Attendance

Motion to adopt.

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

<http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=9L7TN773FA4D>

## 8.05 Person before the Board

Motion to adopt.

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

<http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=9XKVO968FE93>

## 9. Board Operations

### 9.01 SFY2015 and SFY2016 Budget Review and Invoices

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YETN26FF84D/\\$file/2015%20JUL%20Fiscal%20Overview.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YETN26FF84D/$file/2015%20JUL%20Fiscal%20Overview.pdf)

### 9.02 HB64 Exempt Parity

Motion to approve a two and a half percent (2.5%) cost of living increase for Executive Director, Vanessa Niekamp.

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

June 30, 2015, Governor Kasich signed HB 64, the FY 16-17 biennium budget bill, which provided a 2.5% increase for exempt employees [memo from the Ohio Department of Administrative Services attached titled "guidance for processing salary increases exempt"].

Pay scales are divided into certain types of pay tables depending on the pay range:

- E-1 pay scales include those classifications that progress through a series of pay rates on an annual basis until the maximum step is reached (pay ranges 1-18); this includes staff that serve at the pleasure of the Executive Director.
- E-2 pay scales include those classifications that have a minimum and maximum pay range (e.g. minimum of \$17.00 – maximum \$30.00) (pay ranges 41-49); this includes the Executive Director who serves at the pleasure of the Board.
- E-3 is primarily used for "Administrative Staff" classification; the board does not have any of these classifications.

Employees on the E-1 pay scale will automatically receive a 2.5% cost of living increase for each step in their pay range. However, the increases for the employees on the E-2 or E-3 pay scale will have to be manually calculated and initiated by a personnel action. The personnel action associated to the Board's Executive Director require Board approval [memo from the Ohio Department of Administrative Services attached titled "FY 16 exempt parity memo"].

Below you will find proposed compensation rate as provided by the Department of Administrative Services based on a two and a half percent (2.5%) cost of living increase as included in HB 64.

Position Number	Job Code - Position	Job Code Title - Position	Department Description - Position	Employee ID	Name	Full/Part Time - Position	CURRENT Compensation Rate	PROPOSED 2.5% projected increase	PROPOSED Total compensation rate with increase	Grade - Position	Last pay rate change	Classified/Unclassified Indicator Description - Position
20070856	61611	Executive Director 1	Embalmers & Funeral Dir Board	XXXXXXXXXXXX	NIEKAMP,VANESSA A	Full-Time	40.87	1.02175	41.89	042	4/8/2012	Unclassified

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YFS9N63E1FA/\\$file/FY16%20exempt%20parity%20memo.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YFS9N63E1FA/$file/FY16%20exempt%20parity%20memo.pdf)

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YFSEP64694C/\\$file/guidance%20for%20processing%20salary%20increases%20exempt.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YFSEP64694C/$file/guidance%20for%20processing%20salary%20increases%20exempt.pdf)

## 10. Inspections

### 10.01 Inspection Summary SFY15

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YEM5Z568631/\\$file/Inspection%20Summary.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YEM5Z568631/$file/Inspection%20Summary.pdf)

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YEM6656886F/\\$file/Board%20Cover%20\(Anderson\).pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YEM6656886F/$file/Board%20Cover%20(Anderson).pdf)

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YEM6B56899E/\\$file/Board%20Cover%20\(Seehase\).pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9YEM6B56899E/$file/Board%20Cover%20(Seehase).pdf)

### 10.02 Monthly Inspection Detail Report

## 11. Items of Interest

### 11.01 The House of Wills, Patricia Wills Pleaded Guilty

## Former funeral home owner pleads guilty to fraud

Posted: Jun 02, 2015 5:12 PM EDT  
Updated : Jun 02, 2015 5:12 PM EDT

By Carl Monday  CONNECT  Posted by 19 Action News Digital Team  CONNECT



Patricia Wills pleads guilty fraud  
(Source: WOIO)



House of Wills funeral home closed  
(Source: WOIO)

CLEVELAND, OH (WOIO) - A prominent funeral home operator exposed by Carl Monday last year has pleaded guilty to fleecing one of her customers.

For more than 100 years, the House of Wills was a source of pride in Cleveland's African-American community.

Tuesday, owner Patricia Wills brought shame to the now closed family business.

The case in question involved a woman named Katherine Moore, who died in a nursing home in 2014.

The insurance company holding her burial policy thought she had died two years earlier. That's why, in 2012, they sent the \$12,000 burial check to someone who cashed it, someone the Moore family has no connection to.

Now, in a plea deal, Patricia Wills has admitted to insurance fraud, forgery, and grand theft.

Afterwards, she told Monday, "I would like to express to the Moore family that I'm really sorry."

As Monday reported last year, 15 families came forward claiming the same thing happened to them.

But Wills and her attorney say they've been told those cases will not be prosecuted.

The House of Wills closed several years ago after declining business and scrutiny from the [Ohio Embalmers and Funeral Directors Board](#).

Wills will be back in court in July for sentencing. She could receive anything from probation to four-and-a-half years in prison and a \$15,000 fine.

Copyright 2015 WOIO. All rights reserved.

<http://www.19actionnews.com/clip/11558736/former-funeral-home-owner-pleads-guilty-to-fraud>

#### Additional Links

Former funeral director indicted for fraud and more

Carl Monday Investigation: Dead Wrong

11.02 Tate Funeral Services, Robert Tate, Jr. Indicted on Two Counts Abuse of Corpse

## Toledo funeral home director indicted on 2 counts abuse of corpse

Posted: Jul 01, 2015 5:19 PM  
EDT  
Updated  
: Jul 01, 2015 5:19 PM EDT

By Holly Tuey  CONNECT



TOLEDO, OH (Toledo News Now) - The director of a Toledo funeral home has been indicted by a Lucas County grand jury on two counts of abuse of a corpse.

Robert Tate, Jr., is being investigated after [11 unprocessed bodies were found](#) at Tate Funeral Services. Tate's license was [suspended in early June](#) by the Ohio Board of Embalmers and Funeral Directors.

The board had already voted to charge him with two counts of holding a dead human body for more than 48 hours after the time of death and 10 counts of immoral or unprofessional conduct.

The state board also believes some of the people involved had died as early as January and the bodies were still inside the funeral home.

Tate Funeral Services has previously denied any wrongdoing, saying the board and the Lucas County Coroner's Office were giving false information to the public.

11.03 Letter from Crates Funeral Home regarding Vanessa Niekamp and Masters Training

To: Vanessa Niekamp

Just a brief note to tell you how impressed I was with your presentation at the "Masters" Training Session at the OFDA office last Thursday. For someone who has had exposure for such a short with funeral service, I felt you did a remarkable job. You obviously have a firm grasp on what is going on. However, you seem quite open to suggestions and input. I am at such an age that I am 'one the way out', so I have been around funeral service for a long time. I have know the executive portion of the state board for a long time, but you clearly are light-years ahead of all those that filled leadership roles before you. You bring a breath of fresh air to your office. Congratulations!

Larry Crates

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9X7VYA61BEB5/\\$file/Letter%20from%20Crates%20re%20Niekamp.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9X7VYA61BEB5/$file/Letter%20from%20Crates%20re%20Niekamp.pdf)

11.04 Message from Robert Forward regarding Vanessa Niekamp and Masters Training

**From:** Robert Forward <mailto:robb@brown-forward.com>  
**Sent:** Friday, May 29, 2015 2:20 PM  
**To:** Finfrock, Danny  
**Subject:** Master's Seminar

Hi Danny,

I just came back from yesterday's Master's Seminar. Let me just say quickly, it exceeded my expectations! I really got a great deal out of every segment and that's a first for me. I thought Vanessa really "humanized" the Board of E&FD. The Board is an authority figure, with a great deal of power, and she presented it as a dedicated and caring governing body that is working hard to make sure we are protected and our clients are protected.

Don covered the Veterans info with competence and clarity, highlighting the new stuff and leaving the old news behind. I was so glad to hear Angela's prediction on the physician's using EDRS soon. Or at least fairly soon.

OSHA is scary in any fashion, but Barb treated us as gently as she could. I would like to suggest that she include a printed laundry list of the subjects that she covers, with the sub titled sections that she branched out. There were so many violations and concerns that I, personally, was not able to note each one.

Roger needs an agent and a spotlight for his standup, but he got his points across. It was good for me to realize that we had been as tenacious as he promotes in securing ALL the proper signatures for cremation. See, we can pay attention!

And finally, David made us all aware of the kinder-gentler apprenticeship is the wave of the future.

All in all, well done. A surprise to me that it was so very informative. Props to you and the presenting staff.

Sincerely,  
Robb Forward

Robert L. Forward, President  
BROWN-FORWARD FUNERAL HOME  
17022 Chagrin Boulevard  
Shaker Heights, Ohio 44120  
216 752-1200  
Fax 216 752-5552  
[www.brown-forward.com](http://www.brown-forward.com)  
[Robb@brown-forward.com](mailto:Robb@brown-forward.com)

## 12. Adjournment

## 12.01 Adjourn the Meeting

Motion to adjourn at 3:23 pm.

Motion by Thomas Fleming, second by Jack R Marchbanks.

Final Resolution: Motion Carries

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko