

## Regular Meeting (Monday, August 17, 2015)

Generated by Jarrod Williams on Tuesday, August 18, 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://www.youtube.com/watch?v=Kc8E-cgekpA> to fully understand and appreciate the rationale behind the board's decisions.

### Members present

Jack R Marchbanks, Bryan E Chandler, Gregory Boyer, Thomas Fleming, Robert Wasko  
Meeting called to order at 1:00 PM

## 1. Convening of the Board - President

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### 1.01 Calling of the Roll

### 1.02 Introduction of New Associate Assistant Attorney General Christie Limbert

## 2. Persons Before the Board

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### 2.01 Reciprocal - Mohammed A. Hussain

To permit Mohammed A. Hussain to take the required examination(s) and upon earning a passing score to submit an application for licensure to reciprocate his Funeral Directors license from North Carolina.

Mohammed A. Hussain, Reciprocal from North Carolina

*Board meeting notation:* Mr. Mohammed Hussain's voice may be heard off-camera during viewing of the August 2015 meeting of the Board video recording.

Motion by Thomas Fleming, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

### 2.02 Reciprocal - Fralisia C. Jefferson

To permit Fralisia C. Jefferson 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 Tennessee.

Fralisia C. Jefferson, Reciprocal from Tennessee

*Board meeting notation:* Ms. Fralisia Jefferson's voice may be heard off-camera during viewing of the August 2015 Meeting of the Board video recording.

Motion by Bryan E Chandler, second by Robert Wasko.

Final Resolution: Motion Carries

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

## 3. Consideration of Minutes

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### 3.01 Consideration of the July 2015 Minutes

*Board meeting notation:* Prior to a vote to approve the minutes from the July 2015 Meeting of the Board, Thomas Fleming, board member, questioned if the board was producing an acceptable record of minutes as recognized by the Attorney General's Office. There was discussion among the board and Christie Limbert, associate assistant attorney general, about the recording of minutes. During the discussion, a person in attendance of the meeting was allowed to comment on the subject. That person was identified as Ms. Hilary Damaser, assistant attorney general; whose voice may be heard off-camera during viewing of the August 2015 Meeting of the Board video recording.

Motion to approve

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

## 4. Licensure

### 4.01 Individual Licenses - Recommendation to Approve

#### *Initial Licenses to be Granted:*

License #	Name	Location
FD.009744	Anthony, Katherine R.	Akron
EMB.009648 FD.009745	O'Conner, Elizabeth J.	Lebanon

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

### 4.02 Individual Licenses - No Motion Items/Information Only

#### *Individuals issued a registration number:*

Type	Name	City	Issue Date
Dual	CaraDonna, Kim	Beavercreek	07/21/15
Dual	Clark, Bridget	Columbus	07/15/15
FD	Patterson, Monique	Middletown	07/08/15

#### *Individuals Certified as Apprentice:*

Type	Name	Funeral Home	City	Date
DUAL	CaraDonna, Kim	Newcomer Funeral Home	Kettering	07/27/15
DUAL	Clark, Bridget	Edwards Funeral Service	Columbus	07/15/15
FD	Mackoway, Katie	Stubbs-Conner FH	Waynesville	07/01/15
FD	McBeth, Nathan	Boyd-Born Funeral Home	Marion	07/01/15

### 4.03 Facility Licenses - Recommendation to Approve

#### *New Building / New Facility - New License:*

License #	Firm Title	Location
CREM 000198	Anthony Crematory	Akron

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

New License	Leasing To	Leasing From	County
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#			
FH 003434	Catavolos Funeral Home	Cannon, LoPresti & Catavolos Funeral Home	Cuyahoga

***Change of Ownership / Sale of an Existing Facility - New License:***

License #	Firm Title	Location
CREM 000199	S & S Crematory	Holgate
FH 003429	Hill Funeral Home	Kingston
FH 003430	Jenkins Funeral Chapel	Wellston
FH 003431	Kirkpatrick-Behnke Funeral Home	Findlay
FH 003432	Lucas-Batton Funeral Home	Nevada
FH 003428	Moore Family Funeral Homes	Cincinnati
FH 003433	Moore Family Funeral Homes	Batavia
FH 003435	Ogle and Paul R. Young Funeral Home	Cincinnati
FH 003436	Ogle and Paul R. Young Funeral Home	Hamilton
FH 003437	Snyder - Hoening Funeral Home	Holgate
FH 003438	Snyder - Wesche - Hoening Funeral Home	Napoleon
FH 003439	Walker - Hoening Mortuary	Napoleon

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

Type of Facility	Firm Title	Location
Funeral Home	Hartzell Mortuary	Dayton

***Name Changes:***

License #	Current Name	New Name	County
FH 001943	Jakubs -Danaher Funeral Home	Jakubs - Waite Funeral Home	Lake
FH 003332	Breitenbach - McCoy - Leffler Funeral Home	Breitenbach-Anderson Funeral Home	Butler
FH 003295	Strayer Funeral Home	Weber Funeral Home	Allen

Motion to approve

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

**4.04 Facility Licenses - No Motion Items/Information Only**

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

License #	Firm Title	Licensee Name	Type	County
DUAL007941	Weber Funeral Home	Carl J. Weber	AIC / MGR	Allen
DUAL009219	HANSON-NEELY FUNERAL HOME INC	Scott J. Allison	MGR	Hardin

DUAL009372	Jakubs - Waite Funeral Home	STEPHEN J WAITE	AIC	Lake
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***FH Paperwork Previously Approved, New Number Assigned***

<b>New Funeral Home Number</b>	<b>Firm Title</b>	<b>County</b>
FH 003427	Stewart Funeral Home	Hamilton

## 5. Continuing Education

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On motions denoted with an asterisk (\*), the names and identifying information was redacted from discussion and proposed notices during deliberation. Matters were referred to only by case number. Identifying information was added during the writing of the minutes based upon the correlating case number.

### 5.01 Continuing Education Programs - Recommendation to Approve

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZEJQR6A544F/\\$file/2015%20Aug%20CE%20Program.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZEJQR6A544F/$file/2015%20Aug%20CE%20Program.pdf)

Motion to approve

Motion by Thomas Fleming, second by Robert Wasko.

Final Resolution: Motion Carries

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

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

*Board meeting notation:* Board President Gregory Boyer requested the minutes of this meeting to reflect Mr. Thomas Taneff joined the meeting at 1:25 p.m.

***Recommended Action:***

*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?**

Did not respond to the original 2013 - 2014 continuing education audit notice. Notice of audit was then re-sent via certified of mail and returned as unclaimed. Notice was then resent certificate of mailing and time was provided to respond.

<i>License #</i>	<i>Renewal Date</i>
DUAL 008383	12/09/2014
DUAL 007756	12/08/2014

Motion to charge \*Rodney R. Galloway (DUAL.008383) and \*Joseph N. Koker (DUAL.007756) 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, \*Rodney R. Galloway (DUAL.008383) and \*Joseph N. Koker (DUAL.007756) failed to meet the continuing education requirements.

Propose the denial of the renewal of \*Rodney R. Galloway (DUAL.008383) and \*Joseph N. Koker (DUAL.007756) licenses via an adjudicatory hearing.

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

NOT VOTING (Abstain/Present): Thomas Taneff

### 5.03 Requirements

*Board meeting notation:* Executive Director Niekamp indicated the item was added to the agenda for review and discussion as requested in the July 2015 meeting of the board. President Boyer asked if there was any discussion, after a moment of pause, he proceeded to item 6.01 on the agenda.

#### 4717.09 Continuing education.

(A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(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.

(D) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for a waiver or an exemption.

(E) A licensee who has been an embalmer or a funeral director for not less than fifty years and is not actually in charge of an embalming facility or a manager or actually in charge of and ultimately responsible for a funeral home may apply to the board for an exemption.

(F) The board shall determine, by rule, the procedures for applying for a waiver or an exemption from continuing education requirements under this section and under what conditions a waiver or an exemption may be granted.

Effective Date: 09-26-2003

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

(A) Pursuant to section [4717.09](#) of the Revised Code, each person licensed to practice as an embalmer or funeral director in this state shall attend a minimum of eighteen hours of continuing education programs approved by the board for the two year compliance period and every two years thereafter. Compliance shall be required on or before the end of each two-year period following December 31, 2006. The two-year compliance period shall commence on January first of the next two-year compliance period following receipt of the applicant's initial license. Compliance with the requirements of continuing education is a prerequisite for license renewal.

(B) Pursuant to section [5903.12](#) of the Revised Code, the board upon receiving an application from one of its licensees that is accompanied by the proper documentation certifying that the licensee has been called to active duty during the current or prior reporting period and certifying the length of that active duty, shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. The board shall also consider relevant education, training, or service completed by a licensee as a member of the armed forces of the United States or reserve components thereof the Ohio national guard, the Ohio military reserve, or the Ohio naval militia in determining whether a licensee has fulfilled required continuing education.

(C) Pursuant section [4717.08](#) of the Revised Code, the board's decision regarding license renewal is made on or before December thirty-first of each even numbered year.

(D) Hours of continuing education may be obtained by attending and participating in an approved program of activities.

(E) It is the responsibility of each licensee to finance the licensee's costs of continuing education and retain all certificates of completion for four years or until the licensee submits such as proof during a random audit.

(F) Approved program of activity

(1) A program of activity shall be qualified for approval as an approved program of activity if the board determines that:

(a) It constitutes an organized program of learning (including a workshop or symposium) which contributes directly to the professional competency of the licensee or it conforms to the master training requirements of this chapter; and

(b) It pertains to common subjects or other subject matters which integrally relate to the practice of embalming and funeral directing; and

(c) It permits attendance by all funeral directors and embalmers in the state of Ohio.

(2) A sponsor, organization or person which desires to obtain approval of a course, program or other continuing education activity shall obtain approval prior to the activity. A sponsor, organization or person shall submit to the board an application established by the board. Such application shall be submitted prior to the last Friday preceding the board's monthly meeting. A separate application shall be submitted for each course, program, convention or other continuing education activity desiring approval. The board shall approve or deny such application in writing at the next regular meeting of the board. Any program approved by the board will be valid through the current compliance period, providing that there is no change to content. The applicant shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, other pertinent information and a sample of the certificate of completion.

(G) Except as otherwise provided in this rule, the board shall approve one hour of continuing education credit time for every one hour of attendance by a licensee at an approved program of activity.

(H) The board shall approve nine hours or one half of the required continuing education hours fulfilled through courses, programs and other continuing education activities provided by correspondence which includes online courses.

(I) The board shall not consider individual insurance programs for continuing education credit.

(J) The board shall allow four hours of credit for licensees who submit a copy of the "licensee continuing education transcript" from the Ohio department of insurance evidencing satisfactory completion of the continuing education requirements for issuance or renewal of an insurance

license.

(K) An individual licensee seeking credit for attendance and participation in an educational activity out of the state of Ohio which is not approved prior to the date of the activity shall submit on a form established by the board within thirty days after completion of such activity, request for credit, including a brief resume of the activity, its dates, subjects, instructors, and their qualifications and the number of credit hours requested therefore and all necessary printed matter. Within ninety days after receipt of such application, the board shall advise the licensee in writing by ordinary mail whether the activity is approved and the number of hours allowed therefore. A licensee not complying with the requirements of this paragraph may be denied credit for such activity.

(L) Certificates of completion must be awarded upon the successful completion of all approved continuing education courses and must include the following information:

- (1) Sponsor's name;
- (2) Licensee's name and license number;
- (3) Approved course title;
- (4) Date of course completion;
- (5) Course location;
- (6) Number of approved continuing education credit hours awarded; and
- (7) Signature of sponsor or representative for sponsor.

(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.

- (1) Licensees, chosen randomly, shall submit to the board by the date specified by the board, copies of certificates of completion, records and documentation of proof of completion of the continuing education activities used to meet the continuing education requirements of this rule.
- (2) Failure to comply with the continuing education audit will result in the commencement of disciplinary action by the board.

(N) A license shall not be renewed unless the licensee certifies on the renewal application that the individual completed the required number of continuing education hours specified in paragraph (A) of this rule.

(O) Record keeping requirements for sponsors: The sponsor must maintain the notice of board approval letter, attendance records, a copy of all forms, including course outlines and instructor resumes and a copy of the certificate of completion for a minimum of four years. These records must be made available to the board upon request.

Replaces: 4717-1-23

Effective: 04/10/2011

R.C. [119.032](#) review dates: 04/10/2016

Promulgated Under: [119.03](#)

Statutory Authority: [4717.04](#)

Rule Amplifies: [4717.09](#)

Prior Effective Dates: 8/1/81, 1/1/84, 7/1/87, 1/1/01, 11/10/05, 01-09-07

#### **[4717-9-02 Exemptions or waivers from continuing education.](#)**

(A) A licensee who is not engaged in the practice of embalming and/or funeral directing in the state of Ohio may be granted an exemption upon written application to the board. The application shall contain a statement that the applicant will not engage in the practice of embalming and/or funeral directing in Ohio without first complying with all regulations governing removal of exemption. The application for an exemption shall be submitted upon the form established by the board. Notwithstanding anything to the contrary contained in this rule, the board shall not grant an exemption of the continuing education requirements to any licensee designated as a manager of a funeral home or any funeral director actually in charge of or ultimately responsible for a funeral home or an embalmer actually in charge of an embalming facility in the state of Ohio.

(B) Removal of continuing education exemption.

Licensees who have been granted an exemption pursuant to this rule shall, prior to engaging in the practice of embalming and/or funeral directing in the state of Ohio, satisfy the following requirements for removal of exemption:

- (1) Submit written application for removal of continuing education exemption to the board upon forms established by the board; and

(2) Furnish on the application evidence of one of the following:

- (a) The full-time practice of embalming and funeral directing in another state of the United States or the District of Columbia and completion of continuing education for each year of exemption status substantially equivalent in the opinion of the board to that required under rule [4717-9-01](#) of the Administrative Code; or
- (b) Completion of the total number of hours of accredited continuing education equal to that required during the exemption period; or
- (c) Successful completion of the Ohio laws license examination conducted within one year after the submission of such application for removal of continuing education exemption.

(C) Exemption for fifty years of licensure.

An individual who has held a license as an embalmer or funeral director for not less than fifty years may make written application to the board for an exemption from the minimum education requirements. The application for the exemption shall be made on forms established by the board and signed by the licensee. Notwithstanding anything to the contrary contained in this rule, the board shall not grant an exemption to any licensee designated as the person actually in charge of an embalming facility, or to any licensee designated as the manager or the funeral director actually in charge of and ultimately responsible for a funeral home. An exemption granted under this rule shall be automatically voided if the individual holding the exemption is designated as the person actually in charge of an embalming facility or a manager or funeral director actually in charge of and ultimately responsible for a funeral home.

If an exemption for fifty years of licensure is voided, the licensee must notify the board and request an amendment to the funeral home license. Upon the board's acceptance of a satisfactorily completed amendment, the licensee is permitted to serve as manager and/or funeral director actually in charge of and ultimately responsible for the funeral home. The licensee is responsible for completing the total number of hours of accredited continuing education for the compliance period in which the exemption for fifty years of licensure is voided before the licensee is permitted to renew.

(D) Approval of a waiver, exemption, or fifty-year exemption does not waive or exempt the licensee from renewal fees.

(E) Physical disability, illness or undue hardship (waivers).

The board may, in individual cases involving physical disability or illness as certified by a physician, or good cause shown, grant waivers of the minimum education requirements. No waiver shall be granted unless written application therefore shall be made on forms established by the board and signed by the licensee; and in the case of physical disability or illness signed by a physician licensed by the medical board. Waivers of the minimum educational requirements may be granted by the board for any period not to exceed one compliance period. In the event that the physical disability or illness or good cause shown for which the waiver has been granted continues beyond the period of waiver, the licensee must reapply for a new waiver for the applicable compliance period.

Notwithstanding anything to the contrary contained in this rule, the board shall not grant a waiver of the minimum continuing education requirements to any licensee designated as the manager of a funeral home pursuant to paragraph (B)(2)(a) of rule [4717-1-16](#) of the Administrative Code.

Replaces: 4717-1-23

Effective: 04/10/2011

R.C. [119.032](#) review dates: 04/10/2016

Promulgated Under: [119.03](#)

Statutory Authority: [4717.04](#)

Rule Amplifies: [4717.09](#)

Prior Effective Dates: 8/1/81, 1/1/84, 7/1/87, 1/1/01, 11/10/05, 01-09-07

## 6. Compliance

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On motions denoted with an asterisk (\*), the names and identifying information was redacted from discussion and proposed notices during deliberation. Matters were referred to only by case number. Identifying information was added during the writing of the minutes based upon the correlating case number.

### 6.01 Recommendation to Charge Case 1600022 (associated to case 1600023)

Recommendation to charge the Apprentice (DUAL) with the following:

#### **Seven (7) violations of:**

**ORC 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:

(4) The applicant or licensee has committed immoral or unprofessional conduct.

**Per OAC 4717-8-01 Unprofessional Conduct**

(H) Falsification or misrepresentation on any application or document submitted to the board.

***Specifically, the apprentice falsified seven (7) documents submitted to the board.***

***And propose:*** Revocation of the licenses of the Apprentice via an adjudicatory hearing.

***Details of Case 2016-1600022 (Apprentice):***

07/21/2015 - Apprentice was interviewed by a board member. During the interview the Apprentice made allegations regarding the funeral home. The board member asked staff to follow-up.

The Inspector then visited the facility and determined the Apprentice and Master had left the firm the day after the interview with the board member. The Inspector determined the allegations were unfounded, but the Apprentice and Master were taking credit for services not provided by either of them. The Inspector worked with the funeral home to obtain evidence of the falsified apprenticeship reports.

08/10/2015 - The board received a written statement from a funeral home regarding two prior employees, one an apprentice and the other the master. The complaint stated the two employees left the funeral home business on 07/22/2015. The funeral home discovered apprentice reports left at the funeral home while the Inspector was present and realized the reports included services for which the apprentice did not provide. The reports were signed by the master.

Some reports included taking credit for cases that were actually embalmed by a trade company:

1. Embalmer Report #1 Quarter 1 submitted to the board by the Apprentice on 01/27/2015 regarding deceased (LKN), date of death 01/12/2015. Report signed by Master.
2. Embalmer Report #2 Quarter 1 submitted to the board by the Apprentice on 01/31/2015 regarding deceased (JH), date of death 01/25/2015. Report signed by Master.
3. Embalmer Report #3 Quarter 1 submitted to the board by the Apprentice on 02/08/2015 regarding deceased (EWL), date of death 02/04/2015. Report signed by Master.
4. Embalmer Report #4 Quarter 1 submitted to the board by the Apprentice on 03/07/2015 regarding deceased (CLS), date of death 03/04/2015. Report signed by Master.
5. Embalmer Report #3 Quarter 2 submitted to the board by the Apprentice on 03/30/2015 regarding deceased (MH), date of death 03/27/2015. Report signed by Master.
6. Embalmer Report #5 Quarter 2 submitted to the board by the Apprentice on 04/09/2015 regarding deceased (CJM), date of death 04/09/2015. Report signed by Master.

Another report indicated the Apprentice performed: demonstration of service merchandise, service options and credit policies to the family; but the apprentice was not even present when the arrangements were made by the licensed owner who filed this complaint:

1. Funeral Director Report #2 submitted to the board by the Apprentice on 01/26/2015 regarding deceased (OGB), date of death 01/23/2015. Report signed by Master.

08/14/2015 - Copies of invoices and canceled checks were retrieved to support the allegations that the services were provided by other parties and not this apprentice.

This Apprentice started the apprenticeship with the complaint on 12/15/2014.

Motion to charge \*George K. Flem (CERT.00468EMB and CERT.00707FD1) with seven (7) violations of ORC 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:

(4) The applicant or licensee has committed immoral or unprofessional conduct.

Per OAC 4717-8-01 Unprofessional Conduct

(H) Falsification or misrepresentation on any application or document submitted to the board.

Specifically, \*George K. Flem (CERT.00468EMB and CERT.00707FD1) falsified seven (7) documents submitted to the board.

And propose: Revocation of the licenses of \*George K. Flem (CERT.00468EMB and CERT.00707FD1) via an adjudicatory 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

## 6.02 Recommendation to Charge Case 1600023 (associated to case 1600022)

Recommendation to charge the Master (DUAL) with the following:

### Seven (7) violations of:

#### ORC 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:

(4) The applicant or licensee has committed immoral or unprofessional conduct.

#### Per OAC 4717-8-01 Unprofessional Conduct

(H) Falsification or misrepresentation on any application or document submitted to the board.

***Specifically, the master falsified seven (7) documents submitted to the board.***

***And propose:*** Revocation of the Mastership via an adjudicatory hearing.

***And propose:*** A forfeiture in the amount of \$5,000 with an opportunity for adjudicatory hearing per:

#### OAC 4717-12-01 Forfeitures

(A)(3) For committing unprofessional conduct, the board may impose a fine as follows:

(a) for the first offense a minimum fine of five hundred dollars to a maximum fine of five thousand dollars.

### Details of Case 2016-1600023 (Master):

07/21/2015 - Apprentice was interviewed by a board member. During the interview the Apprentice made allegations regarding the funeral home. The board member asked staff to follow-up.

The Inspector then visited the facility and determined the Apprentice and Master had left the firm the day after the interview with the board member. The Inspector determined the allegations were unfounded, but the Apprentice and Master were taking credit for services not provided by either of them. The Inspector worked with the funeral home to obtain evidence of the falsified apprenticeship reports.

08/10/2015 - The board received a written statement from a funeral home regarding two prior employees, one an apprentice and the other the master. The complaint stated the two employees left the funeral home business on 07/22/2015. The funeral home discovered apprentice reports left at the funeral home while the Inspector was present and realized the reports included services for which the apprentice did not provide. The reports were signed by the master.

Some reports included taking credit for cases that were actually embalmed by a trade company:

1. Embalmer Report #1 Quarter 1 submitted to the board by the Apprentice on 01/27/2015 regarding deceased (LKN), date of death 01/12/2015. Report signed by Master.
2. Embalmer Report #2 Quarter 1 submitted to the board by the Apprentice on 01/31/2015 regarding deceased (JH), date of death 01/25/2015. Report signed by Master.
3. Embalmer Report #3 Quarter 1 submitted to the board by the Apprentice on 02/08/2015 regarding deceased (EWL), date of death 02/04/2015. Report signed by Master.
4. Embalmer Report #4 Quarter 1 submitted to the board by the Apprentice on 03/07/2015 regarding deceased (CLS), date of death 03/04/2015. Report signed by Master.
5. Embalmer Report #3 Quarter 2 submitted to the board by the Apprentice on 03/30/2015 regarding deceased (MH), date of death 03/27/2015. Report signed by Master.

6. Embalmer Report #5 Quarter 2 submitted to the board by the Apprentice on 04/09/2015 regarding deceased (CJM), date of death 04/09/2015. Report signed by Master.

Another report indicated the Apprentice performed: demonstration of service merchandise, service options and credit policies to the family; but the apprentice was not even present when the arrangements were made by the licensed owner who filed this complaint:

1. Funeral Director Report #2 submitted to the board by the Apprentice on 01/26/2015 regarding deceased (OGB), date of death 01/23/2015. Report signed by Master.

08/14/2015 - Copies of invoices and canceled checks were retrieved to support the allegations that the services were provided by other parties and not this apprentice.

The Apprentice started the apprenticeship with the complaint under this Master on 12/15/2014.

The Master has been licensed since 08/17/2009 with no prior issues before the board.

Motion to charge \*Stuart M. Snow (MSTR.516) with seven (7) violations of ORC 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:

(4) The applicant or licensee has committed immoral or unprofessional conduct.

Per OAC 4717-8-01 Unprofessional Conduct

(H) Falsification or misrepresentation on any application or document submitted to the board.

Specifically, \*Stuart M. Snow (MSTR.516) falsified seven (7) documents submitted to the board.

And propose: Revocation of \*Stuart M. Snow (MSTR.516) Mastership via an adjudicatory hearing.

And propose: A forfeiture in the amount of \$5,000 with an opportunity for adjudicatory hearing per:  
OAC 4717-12-01 Forfeitures

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

### 6.03 Recommendation to Charge Case 1500043

#### **Recommendation to charge the Funeral Director and Funeral Home with: Eight (8) Violations 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 the funds of eight (8) individuals, totaling \$22,200, within 30 days of receipt.*

#### **Eight (8) Violations of ORC4717.31**

(D) No seller shall fail to comply with the requirements and duties specified in this section and sections 4717.32 to 4717.38 of the Revised Code. OAC47-10-01 (A) Unless exempt from compliance under section [4717.38](#) of the Revised Code or otherwise not required to file an annual report with the board pursuant to division (K) of section [4717.31](#) of the Revised Code, each year no later than the thirtieth day of March, a seller of preneed funeral contracts who is subject to sections [4717.31](#) to [4717.38](#) of the Revised Code shall file an annual report relating to all existing funded preneed contracts as of December thirty-first of the prior calendar year. *Specifically, for failing to include the preneed contracts of six (6) individuals, and not including all funds in the account balance of two (2) individuals, on the Annual Preneed Funeral Contract Report for the period ending December 31, 2014.*

**And propose:** A suspension of the Funeral Director and Funeral Home licenses via an adjudicatory hearing.

**The board could consider summary suspension if it believes the findings show clear and convincing evidence that the licensee's continued practice presents a danger of immediate and serious harm to the public.**

"Upon review of the written allegations prepared by the Executive Director; and a finding of clear and convincing evidence that the licensee's continued practice presents a danger of immediate and serious harm to the public;

motion to ordered the suspension of the licenses held by the Funeral Director and Funeral Home without a prior adjudicatory hearing."

### *Details of Case 2015-1500043:*

01/23/2015 - A complaint was received from a consumer who wanted \$8,000 refunded, because it was alleged an irrevocable trust was not properly recorded.

04/20/2015 - A complete audit of all prearrangement made by this funeral home was concluded. The following eight (8) individuals were found to have paid the funeral home for prearrangements, but the funds were never sent to a funding company.

Upon notification of the findings the funeral director contacted the families and got new applications signed and submitted them with payment to the appropriate funding companies. However, the amounts funded do not include interest that could have been accrued since origination.

The funeral director stated he was preoccupied with several serious family matters and inadvertently failed to file the necessary paperwork in a timely manner. He further states they have revised their preneed funding system and instituted a written check list to avoid any oversight in the future.

The original complainant was refunded their money as requested.

This Funeral Director/AIC certified the Annual Preneed Funeral Contract Report for this funeral home. In so doing he attested to the following:

*"A funeral director licensed under chapter 4717 of the ORC who is actually in charge of and ultimately responsible for the funeral home must sign acknowledging; as the holder of the funeral home license I certify this report (including any attachment) to be a full and accurate accounting of all funded preneed contracts per ORC 4717.31."*

However, the contracts of six (6) individuals were not included on the report. In addition, the account balance for two (2) individuals did not include all funds.

CONSUMER	AMOUNT	ORIGINATED	DATE FUNDED	Included on 2014 Preneed Report?
Anita Kelly	\$2,700	10/15/2007	05/01/2015	NO
Flossie Davis	\$8,200	12/27/2010	05/01/2015	NO
Carrie Stevenson	\$2,100	01/31/2012	05/01/2015	NO
E. Regina Ford	\$1,200	07/10/2014	05/20/2015	NO
Benjamin Jones	(short) \$500	2013	06/20/2015	Yes, but short the \$500
Velma Crook	(short) \$500	2009	05/01/2015	Yes, but short the \$500
James Smith	\$5,500	06/14/2012	05/01/2015	NO
Marie Seales	\$1,500	06/27/2014	05/01/2015	NO

<b>Total of Eight (8) Consumers</b>	<b>\$22,200</b>			
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### **Conclusion:**

1. The respondent failed to properly deposit the funds of eight (8) individuals, totaling \$22,200, within 30 days of receipt.
2. The respondent failed to report the preneed contracts of six (6) individuals on the Annual Preneed Funeral Contract Report for the period ending December 31, 2014.
3. The respondent failed to include funds received from two (2) individuals in their respective account balance on the the Annual Preneed Funeral Contract Report for the period ending December 31, 2014.

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### **Prior Issues Before the Board:**

1. 04/15/2014 - The Board issued a \$500 forfeiture associated to a late filing of the annual preneed report.
2. 04/08/2015 - The Board order a hearing associated to a second offense of fining the annual preneed report late.

Motion to charge \*Jason H. Lucas (FD.008419) and \*Lucas Memorial Chapel (FH.003076) with:  
Eight (8) Violations 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 the funds within 30 days of receipt.

And propose: A suspension of \*Jason H. Lucas (FD.008419) and \*Lucas Memorial Chapel (FH.003076) licenses via an adjudicatory hearing.

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

#### **6.04 Recommendations to Close**

Motion to close the attached three (3) cases

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZE6C8558FEE/\\$file/Recommendations%20to%20Close.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZE6C8558FEE/$file/Recommendations%20to%20Close.pdf)

Motion by Thomas Fleming, second by Gregory Boyer.

Final Resolution: Motion Carries

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

#### **6.05 Requests for Representation to AAG**

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZE4XS54564B/\\$file/Req%20for%20Rep%20to%20AAG.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZE4XS54564B/$file/Req%20for%20Rep%20to%20AAG.pdf)

#### **6.06 Pending Cases**

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZE57H548DD9/\\$file/Pending%20Cases.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZE57H548DD9/$file/Pending%20Cases.pdf)

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## **7. Executive Director's Report**

*Board meeting notation:* Items presented by the Executive Director.

## 7.01 Inspections

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCS9H718C72/\\$file/Inspection%20-%20Anderson%20Cover.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCS9H718C72/$file/Inspection%20-%20Anderson%20Cover.pdf)

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSB7719225/\\$file/Inspection%20-%20Anderson%20Report.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSB7719225/$file/Inspection%20-%20Anderson%20Report.pdf)

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSAY718EDA/\\$file/Inspection%20-%20Seehase%20Cover.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSAY718EDA/$file/Inspection%20-%20Seehase%20Cover.pdf)

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSBC7193C7/\\$file/Inspection%20-%20Seehase%20Report.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSBC7193C7/$file/Inspection%20-%20Seehase%20Report.pdf)

## 7.02 SFY2016 Budget Review and Invoices

[https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSR7303D0/\\$file/2016%20AUG%20Fiscal%20Overview.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9ZCSR7303D0/$file/2016%20AUG%20Fiscal%20Overview.pdf)

## 7.03 Case 1500066 Update

Case 1500066 regarding an internment without a burial transit permit was forwarded to the Department of Commerce, Division of Real Estate, Cemetery. As of this date we do not have any additional information regarding any action the Dept. of Commerce could take regarding the cemetery allowing the burial with out the permit. The Executive Director will continue to follow up and report back to the board.

## 7.04 Media on Robert O. Tate, Jr. and Tate Funeral Services

# Funeral director to be arraigned July 28

**BLADE STAFF**

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image:

<http://www.toledoblade.com/image/2015/07>

/21/150x\_b1\_a3-4\_cCM\_z\_ca923,488,2937,3319

/CTY-tate22p-robert-tate-jr.jpg

TateTate

THE BLADE

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North Toledo funeral director Robert O. Tate, Jr., made his first appearance today in Lucas County Common Pleas Court, where he is charged with two felony counts of abuse of a corpse.

Judge Ruth Ann Franks allowed him to remain free on a supervised recognizance bond pending his arraignment July 28.

Mr. Tate, 59, the owner of Tate Funeral Service, 3302 Lagrange St., is accused of failing to refrigerate and properly embalm two corpses.

Read more at <http://www.toledoblade.com/Police-Fire/2015/07/21/Funeral-director-Robert-O-Tate-Jr-to-be-arraigned-July-28.html#3e4XrxE3xuFoWH7B.99>

# Toledo funeral home owner pleads not guilty to corpse abuse

Associated Press • Tuesday July 28, 2015 1:55 PM

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TOLEDO, Ohio -- The owner of an Ohio funeral home where several bodies intended for cremation were found in a state of decay has pleaded not guilty to corpse abuse charges.

Robert Tate Jr. of Tate Funeral Services in Toledo was arraigned today on two felony counts in Lucas County court. A trial is scheduled for Sept. 8.

A message seeking comment was left for Tate's attorney, Derek Farmer. The funeral home has maintained it provided embalming in accordance with state law.

In late May, authorities removed 11 bodies intended for cremation, including some that were stored in a damp garage.

Tate's license was later suspended by a state board that oversees funeral homes. He also was sued by the family of a man whose body was among those in the funeral home.

## Funeral home owner faces 2 more lawsuits

BLADE STAFF

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Two more lawsuits were filed this week in Lucas County Common Pleas Court against a North Toledo funeral home owner now facing criminal charges of abuse of a corpse.

Deliyah Thomas and Anthony Mickles, both of Toledo, each filed a complaint Tuesday against Robert O. Tate, Jr., and Tate Funeral Services LLC, 3302 Lagrange St., seeking damages in excess of \$25,000.

Ms. Thomas alleges the funeral home failed to properly refrigerate or embalm the remains of her infant son, Dylan Adams, who died at birth May 7. His remains, the complaint alleges, were found by authorities who searched the funeral home May 30 in the “embalming room in a medical container filled with embalming fluid.”

Mr. Mickles alleges Tate Funeral Service also failed to refrigerate or embalm his mother, Sharon Mickles, who died April 26. Her remains, the complaint states, were discovered “in the garage of Tate Funeral Services. Her body was not embalmed.”

A similar suit previously was filed against Mr. Tate and his business. After 11 bodies were removed from the funeral home, he was indicted on two felony counts of abuse of a corpse. A trial in that case is set for Sept. 8.

### Information: 7.05 Media regarding Shots Fired at Toledo Funeral Home

<http://www.toledonewsnow.com/clip/11752953/shots-fired-at-shooting-victims-funeral-service-in-central-toledo#.Vc46AZEwv5Y.gmail>



TOLEDO, OH (Toledo News Now) - The funeral for a shooting victim was interrupted by gunfire outside of the Dale-Riggs Funeral Home on City Park and Nebraska just after 11:30 a.m. Monday and police are still looking for the suspect.

The funeral was being held for 20-year-old David Jones, who was [shot and killed on August 2 on Woodstock](#). No arrests have been made in the crime.

During his funeral, people reported shots being fired and numerous police officers converged on the scene. They also

fanned out through Savage Park, looking for whoever fired the shots. Nobody was hurt and Toledo Police Lt. Joe Heffernan said no one reported being shot at. There is also nothing at this point to confirm that the shooting was connected to the David Jones murder.

A family member, Kevin McCree, said people were running through the funeral home after they heard the shots outside. When asked what he thought of the chaos, he said, "I mean I feel like it's the most terrible thing that could ever happen. I mean because he wasn't that type of individual. He was the type that liked to keep a smile on his face and stay uplifted, very family guy. Kept to himself. He was just a happy individual, so I hate that it had to happen at his funeral."

After the chaos cooled down, the funeral resumed without incident. Some police did stay with the procession as it left the funeral home. Some family members were visibly upset once they got outside of the funeral home and some were in tears over what had happened.

TPD said the funeral home hired officers for the funeral service and they alerted the police department when the shots were fired.

Police have recovered bullet casings from outside of the funeral home.

TPD arrested two men, 21-year-old Breon Shaffer and 21-year-old Charles Lake, for having guns in their car near the area. They were charged with improper handling of a firearm, but are not considered suspects in the shots fired at the funeral home.

Information: 7.06 Funeral Industry in the media

## Police investigating large local funeral home fraud case

**Anya**

13

**Tucker**

Published: August 4, 2015, 3:47 pm Updated: August 5, 2015, 7:33 am

1K+

WATERVLIET, N.Y. (NEWS10) – One of the Capital Region's largest funeral home franchises is victim to what state police are calling a large embezzlement scheme – perpetrated by at least one trusted, longtime employee.

The case involves Parker Brothers Funeral Homes, and the tally of the alleged theft is expected to be in the hundreds of thousands of dollars.

In addition, a former Watervliet police chief is one of the key figures being investigated in the case.

Officials said the case has been investigated for nearly two years. State police said it has taken so long because the alleged crimes apparently stretch back for years.

Former Watervliet Police Chief Mark Fiet did not have a comment when asked about any possible involvement in the embezzlement case.



For nearly 10 years, Fiet was also employed as a manager by Parker Brothers Funeral Home in Watervliet. He left that position about two years ago, when state police opened their investigation.

Law enforcement sources close to the case confirm that Fiet is a key figure in the case. The alleged embezzlement involves hundreds of thousands of dollars of money that was handed over by grieving family members for their loved ones funerals.

Another former Parker Brothers employee, Sam Catalano, admitted to the crime. He managed three Parker Brothers Funeral Homes in Rensselaer County.

In July, Catalano was arrested on a number of charges, including Fraud and Tax Evasion.

So, what is Parker Brothers saying?

“It’s not that the families should be concerned these were payments that were made after all of the services were provided,” Co-owner Vince Fronczek tells News 10. “So the families were well served as they have been for 134 years.

“It was a crime against us,” Co-owner Michael Reinfurt said. “Yet I feel they hurt those families that trusted both of them and thought very highly of them and we did too. But, they hurt us.”

The exact circumstances of the alleged theft is unknown at this time, but after admitting he did steal, Catalano said the thefts were intended to pay for funerals that more needy clients could not afford.

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## Son charged in funeral home shooting also faces fraud indictment

POSTED 7:22 AM, JULY 31, 2015, BY [GREENSBORO NEWS & RECORD](#)

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REIDSVILLE, N.C. — A man accused of shooting his father several times inside a Reidsville funeral home was free on bail from a felony forgery charge at the time of the shooting.

Garcia Fenwick Johnson, 43, of 110 Lawsonville Ave. is charged with assault with a deadly weapon with intent to kill his father, James Johnson, on July 24 at Johnson and Sons Funeral Home, at 115 Holderby St.



Garcia Johnson

Police won't say how many times James Johnson was shot. A search warrant obtained Thursday at the Rockingham County Clerk of Courts Office states that a gun and ammunition from two guns were recovered. According to the warrant, police collected a .32-caliber revolver without a serial number, .32-caliber bullets, five projectiles and four shell casings from a .380-caliber gun.

On Monday, Johnson's attorney, Jason Ross, said that both Johnsons had weapons when the father

was shot. He would not say whether both father and son fired their weapons in the incident.

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# Pre-paid funeral scam is starting to catch unsuspecting consumers

POSTED 10:27 PM, JULY 29, 2015, BY [CHRIS HAYES](#)

FACEBOOK 191

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ST. LOUIS (KTVI) – A multi-million dollar Ponzi scheme is catching up with consumers at the worst time. It involves a pre-paid funeral scheme in which convicts admitted spending millions meant for funerals

It involves the former company NPS, or National Pre-arranged Services. A judge sentenced two men at the top, Brent and Doug Cassity, to five and ten years in prison respectively. Now families who paid them are starting to learn what they`ve lost.

Kim Turner said, ‘How many people were sold funerals that think they`re good and they`re not good.’

Kim Turner and Cathy Haag pre-paid for their own funerals, as gifts of love. Haag said, ‘It`s about what my children would go through.’ She cried as she continued, ‘I tried to stop that from happening, do you see what I`m saying?’

They own crypts to be buried at Bellerive in Creve Coeur, but they`re finding out the money they pre-paid for their funerals, is gone.

Their cousin Theresa Bommarito sold the policies years ago. Bommarito believed in them so much, she pre-paid for a funeral to be held at Bellerive for her father. She said, 'So we don't have to worry about it at the time of death and find out there's nothing they're going to honor. We have a plot of land, but now you've got to buy everything again.'

She found out, just as she learned her Dad had days left to live. She said, 'We're going to have to come up with \$10-15,000. You do it out of love and then you find out there's nothing there.'

Brent Cassity was her old boss at an NPS subsidiary company called the Forever Network. She said she was as shocked as anyone when court records exposed the fraud. She was comforted when legitimate businesses promised to step up.

Funeral Home director Todd Mahn said, 'All these funeral homes are absorbing that and it's huge.' Mahn said the entire funeral home industry agreed to cover consumers who were scammed. He explained, 'It's an astronomical number and you just don't hear about it and as a member of the industry, I would like to thank all of those funeral homes out there that are doing that.'

Mahn served on the Missouri Board of Embalmers and Funeral Directors and was an early critic of NPS. He added, 'I thought this was behind us and everyone was going to be covered, so when you first called me this morning, I was surprised.'

Surprised that Bellerive, which was owned by the Cassitys, is no longer a funeral home. It's now owned by a new company called Bellerive LLC. People who paid for pre-paid funerals at Bellerive will have to pay again because the company relinquished its funeral home license. It's now operating only as a cemetery. Bellerive LLC said in a statement 'We are not a successor to, nor are we under any obligation for the preneed contracts entered into with, the entities comprising the failed Forever Network system.'

Theresa, Kim and Cathy may just be the beginning of those finding out they'll start all over again, in paying for funeral expenses.

Bommarito said, 'Hundreds of thousands of families who don't even know that their funerals aren't going to be covered.'

Theresa's Dad, Donald Varney died last night and she told me today they'll cremate him, as they can't afford to re-pay for a proper funeral.

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## Ex-funeral director pleads not guilty in Massachusetts to larceny, insurance fraud charges

THE ASSOCIATED PRESS

**AP** July 16, 2015 - 5:17 am EDT



NORTHAMPTON, Massachusetts — The former owner of a Massachusetts

funeral home accused of improperly caring for dead bodies and embezzling more than \$375,000 from clients has pleaded not guilty to charges of larceny and insurance fraud.

William Ryder, of South Hadley, was arraigned Wednesday in Hampshire Superior Court on charges that he and his wife allegedly defrauded a life insurance company. Prior to adjournment of meeting, Vanessa Niekamp, executive director, addressed the board with update about a recent

This comes after the 54-year-old pleaded not guilty in June to allegedly embezzling money from clients who thought they had bought pre-need funeral arrangements and funding them into his own business account.

Daily Hampshire Gazette reported that Ryder's attorney and prosecutors both agreed the case will take considerable time before it's resolved and asked the judge to put it on a slower track.

A pre-trial hearing is scheduled for Nov. 6. During the discussion among the board regarding the request, two persons in attendance of the meeting were allowed to comment on the subject.

One person was identified as Mr. Doug Wilson, licensed funeral director. A second person was identified as Ms. Hilary Damaser, assistant attorney general. These persons' voices may be heard off-camera during viewing of the August 2015 Meeting of the Board video recording.

# Son of funeral home secretary accused of stealing items from the dead

## 8. Adjournment

### Dearborn County Prosecutor says man is an admitted heroin addict

8.01 Adjourn the Meeting

REMINDER

UPDATED 11:55 AM EDT Jul 08, 2015

Board meeting notation: Executive Director Niekamp reminded the l at 1:00 p.m. in Rooms West B & C. After the meeting it was determ rescheduled to: **WEDNESDAY, SEPTEMBER 9, 2015,**

NEXT STORY

WWII ship making visit to Cincinnati next month

was scheduled for Wednesday, September 16, 2015, a quorum for the 16th and the meeting was rooms South A

September	<b>Board Meeting</b> – 1:00 p.m. on Wednesday the 9 <sup>th</sup> , <b>Apprentice Interviews</b> – Conducted by Robert Wasko and Bryan Chandler (back-up) on Monday the 14 <sup>th</sup> and Tuesday the 15 <sup>th</sup> , Rooms East A and West A.	Text Size: <b>A A</b>
October	<b>SHOW TRANSCRIPT</b> Board <b>Apprentice Interviews</b> – Conducted by Bryan Chandler and Greg Boyer (back-up) on Tuesday the 20 <sup>th</sup> and Wednesday the 21 <sup>st</sup> , Rooms East A and Boardroom.	<b>A</b>
November	<b>Board Meeting</b> – 1:00 p.m. on Monday the 16 <sup>th</sup> <b>Crematory Review Board Court Documents</b> , Joshua Cibek 31 alleged stole two diamond rings and a gold crucifix necklace from two deceased women at the Rullman Springs Funeral Home West Aurora.	
December	<b>Board Meeting</b> – 1:00 p.m. on Monday the 14 <sup>th</sup> <b>Apprentice Interviews</b> – Conducted by Robert Wasko and Bryan Chandler (back-up) on Tuesday the 15 <sup>th</sup> and Wednesday the 16 <sup>th</sup> , Rooms East A and West A.	

- **Teen facing charge after he says he** Cizek is the son of the funeral home's secretary. He was working as a landscaper at the time and had access to the funeral home, including
- **Convicted killer** the personal items given to Rullman-Hunger by family members of the deceased.
- **Former assistant coach pleads not...** Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff, Gregory Boyer, Thomas Fleming, Robert Wasko

"The fact that the items taken from my mother will probably never be recovered, and even if they are recovered, there is no way of completing her last wishes with them even if they are recovered," Robert Hurd said.

Hurd's mother died May 27. On May 29 funeral arrangements were set and Rullman-Hunger held the funeral on June 1. When family members arrived for the service they noticed her gold crucifix was missing.

Hurd told WLWT his mother wore the necklace every day and everywhere and wanted to buried with it.

"This was her last wish and in the end we could not do that for her, so I don't know how you really

describe how that feels," Hurd said.

Rullman-Hunger Funeral Home did not want to talk with WLWT on camera and had no comment on the charges against Cizek.

Dearborn County Prosecutor Aaron Negangard said Cizek is an admitted heroin addict and allegedly sold the stolen items for drug money.

"It's certainly an unusual case. We don't have people stealing from funeral homes everyday but given the fact it's a heroin addict, it's not surprising," Negangard said.

"My experience dealing with heroin, they'll steal from anybody or anything, they'll steal from loved ones, they'll steal from people they don't know, anything to get any sort of money so they can go get their fix."

According to court records, Cizek is suspected of stealing his mother's Walmart credit card.

He is facing three felony counts, fraud on a financial institution, fraud and theft.

If convicted, Negangard said he could face a maximum of six years in prison.

Cizek's bail has been set at \$30,000.