

Regular Meeting (Monday, October 19, 2015)

Generated by Jarrod Williams on Tuesday, October 20, 2015, and edited by Vanessa Niekamp on November 19, 2015

This meeting of the Board of Embalmers and Funeral Directors was video recorded. You may view this meeting in its entirety

at: <https://www.youtube.com/watch?v=jXYqhDcIruo&feature=youtu.be>

to fully understand and appreciate the rationale behind the board's decisions. MINUTES SHALL BE CONSIDERED UNOFFICIAL UNTIL READ AND APPROVED BY FORMAL VOTE AT A SUCCEEDING REGULAR MEETING.

Members present

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

Others present

Vanessa Niekamp, Christie Limbert

Meeting called to order at 1:02 PM

1. Convening of the Board - President

Procedural: 1.01 Calling of the Roll

2. Consideration of Minutes

Action, Minutes: 2.01 Consideration of the August 2015 Minutes

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. No discussion among the board.

Motion to approve meeting minutes from August 17, 2015 Meeting of the Board.

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

No: Thomas Taneff

3. Persons Before the Board

Presentation: 3.01 Bob Greenisen

Request to address the board regarding bodies of deceased individuals leaving Ohio without burial permits. Devon Priddle was in attendance, from the Department of Health.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Robert Greenisen appeared before the board to express his concerns regarding funeral homes in adjoining states entering Ohio and transporting decedents back to their respective state without obtaining burial transit permits and death certificates. Mr. Greenisen offered testimony of personal interactions with funeral homes alleged to transport deceased without proper permits. Mr. Greenisen acknowledged the problem cannot be solved by the Board of Embalmers and Funeral Directors alone and is requesting assistance from the board and the Ohio Department of Health to identify a solution. Ms. Vanessa Niekamp, executive director, stated for the record that a representative from the department of health was in attendance of the meeting. Ms.

Devon Priddle (whose voice may be heard off-camera during video recording of this meeting) introduced herself to Mr. Greenisen and the board. Ms. Priddle spoke about the duties and responsibilities of her office and the services it provides. There was discussion among Mr. Greenisen, Ms. Priddle and Mr. Boyer. on the type of information and documents needed to obtain permits from the Ohio Department of Health. Ms. Priddle acknowledged she would continue to work with Mr. Greenisen to provide information that may address his concerns.

Action: 3.02 Joseph Bayliff - Application for Initial Registration of Apprenticeship

The applicant has made application for initial registration of apprenticeship. The applicant was asked to come before the board to address any questions the board may have regarding the information obtained in the background check. The board was provided with the Agenda Materials for Item 3.02, which reflect the following criminal history:

06/14/2010 - The applicant was charged with "Assault" (misdemeanor) and was found guilty. A fine, suspended sentence and 2 years of probation were imposed.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Joseph Bayliff appeared before the board to petition approval of his application for initial registration of apprenticeship. Mr. Bayliff offered a brief biography of himself. Mr. Robert Wasko, board vice president, requested explanation of the assault charge as described in a criminal records check. Mr. Bayliff recounted he and several of his friends were in a local bar and witnessed a man harm a female. Mr. Bayliff and his friends then intervened and a fight ensued. Mr. Bayliff stated he was sued by the man, and referred to him as the victim. Mr. Bayliff explained he had learned from the experience. Mr. Bryan Chandler, board secretary, inquired about which funeral home Mr. Bayliff was employed. Mr. Bayliff responded working for Coldren-Crates Funeral Home. Motion to approve the Application for Initial Registration of Apprenticeship for Joseph Bayliff.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

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

Action: 3.03 Ronald Garr - Application for Initial Registration of Apprenticeship

The applicant has made application for initial registration of apprenticeship. The applicant was asked to come before the board to address any questions the board may have regarding the information obtained in the background check. The board was provided with the Agenda Materials for Item 3.03, which reflect the following criminal history:

03/09/1993 - The applicant was charged with "Rape" and "Kidnapping" (both felonies) and was found guilty of "Sexual Battery" on 11/10/1993. Confinement of 2 years with a suspended sentence of 2 years with 2 years of probation were imposed. The board requested a release letter from the court, but the applicant never provided one.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Ronald Garr was not in attendance. No discussion or action was taken.

Action: 3.04 Kara Hanneman - Application for Initial Registration of

Apprenticeship

The applicant has made application for initial registration of apprenticeship. The applicant was asked to come before the board to address any questions the board may have regarding the information obtained in the background check. The board was provided with the Agenda Materials for Item 3.04, which reflect the following criminal history:

04/25/2011 - The applicant was found guilty of "Profane Swearing or Intoxication in Public" (M4). Probation was imposed.

11/24/2012 - The applicant was charged with "Possession of Drugs" and "Resisting Arrest". Final court disposition on 01/14/2014 was found guilty of "Disorderly Conduct with Persistence" and "Drug Abuse". Probation was imposed.

03/26/2015 - The applicant was charged with "Domestic Violence" (M1). Hearing pending.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Ms. Kara Hanneman appeared before the board to petition approval of her application for initial registration of apprenticeship. Ms. Hanneman offered a brief biography of herself. Mr. Boyer inquired about the location of Ms. Hanneman's family business. Ms. Hanneman answered the business was located in Bowling Green, Ohio. Mr. Jack Marchbanks, board member, requested Ms. Hanneman to share her influences for interest in funeral services profession. Ms. Hanneman gave account of reasons which included that she found the industry interesting and did not mind the late night calls, but actually liked them. Mr. Robert Wasko, board vice president, requested explanation of the history of charges as described in a criminal records check. Ms. Hanneman recounted she had personal things going when she moved from another state, which caused her stress. She elaborated that she believed the personal issues attributed to what happened. Mr. Wasko inquired if documentation was immediately available to substantiate the disposition of a recent domestic violence charge. Ms. Hanneman was not able to render documentation. Mr. Wasko instructed Ms. Hanneman to follow-up with board office to supply a record of disposition and re-apply to the board. Ms. Christie Limbert, associate assistant attorney general and board counsel, clarified to the board that Ms. Hanneman would not need to re-apply to the board as an applicant- just supplement information to the original application. Mr. Thomas Taneff, board member, requested explanation of the possession of drugs charge as described in a criminal records check. Ms. Hanneman responded with details. There was discussion among the board about a motion to table the agenda item. After the vote concluded to table the agenda item for consideration at a later time, Ms. Hanneman asked if she were required to appear before the board when the agenda item is reconsidered. There was discussion among the board about the necessity of Ms. Hanneman's attendance. There was consensus among the board that research to Ms. Hanneman's question was necessary and Ms. Hanneman will be notified should she need to return.

Motion to table the agenda item.

Motion by Jack R Marchbanks, second by Robert Wasko.

Final Resolution: Motion Carries

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

Action: 3.05 Qween D. Watkins - Application for Initial Registration of Apprenticeship

The applicant has made application for initial registration of apprenticeship. The applicant was asked to come before the board to address any questions the board may have regarding the information obtained in the background check. The board was provided with the Agenda Materials for Item 3.05, which reflect the following

criminal history:

08/15/2000 - The applicant entered a plea and was found guilty to "Possession of Drugs" (F5). Probation was imposed.

04/05/2001 - The applicant entered a plea and was found guilty of "Attempt Pandering Obscenity" (M1). Probation was imposed.

08/21/2001 - The applicant entered a plea and was found guilty of "Theft" (F5). Probation was imposed.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Ms. Qween D. Watkins appeared before the board to petition approval of her application for initial registration of apprenticeship. Ms. Watkins offered a brief biography of herself. Ms. Watkins explained she had an addiction to cocaine and marijuana. Ms. Watkins stated she became clean when she had a daughter she decided she did not want her to see that part of her and did not want her daughter to have anything to do with the addiction. She went on to explain she then went to cosmetology school and medical assisting classes, as she was determining what she wanted to do as a career. In 2006, she began doing hair and makeup on deceased individuals. It was at this time she decided to enter the funeral profession. Ms. Watkins then attended mortuary science school. Ms. Watkins said she has now been sober for fifteen years. Mr. Thomas Taneff, board member, requested explanation of the theft charge as described in a criminal records check. Ms. Watkins recounted the experience. Mr. Taneff questioned if restitution of money was fulfilled regarding the theft charge. Ms. Watkins answered that partial restitution had been made. Mr. Robert Wasko, board vice president, inquired about current employment and location of apprenticeship. Ms. Watkins answered that she secured an opportunity with Walker Funeral Home in Cincinnati, Ohio. Mr. Wasko stated his belief in enough time has elapsed since the criminal charges to warrant a motion to approve registration of apprenticeship. Mr. Taneff commented that he would like to see Ms. Watkins make restitution. Mr. Taneff went on to say, "I am going to vote in favor of you, but I would like to see you make restitution." Ms. Watkins concurred with Mr. Taneff about restitution. Mr. Jack Marchbanks, board member, agreed with Mr. Taneff and announced his belief in second chances; while complimenting Ms. Watkins on demonstrating fourteen years of self-improvement.

Motion to approve the Application for Initial Registration of Apprenticeship for Qween D. Watkins.

Motion by Robert Wasko, second by Gregory Boyer.

Final Resolution: Motion Carries

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

4. Licensure

Action: 4.01 Facility Licenses Recommended for Approval

The board was provided with the Agenda Materials and reviewed the following applicants:

New Building / New Facility - New Funeral Home License:

<i>License #</i>	<i>Firm Title</i>	<i>Location</i>
CREM 000200	Meyer Crematory	Cincinnati

Leasing Space - New Funeral Home License:

<i>New License #</i>	<i>Leasing To</i>	<i>Leasing From</i>	<i>Location</i>
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FH 003440	Arthur L. Rogers Funeral Service	MILLER-MCFALL-ROGERS FH	Cleveland
FH 003441	Reis Legacy Center	SCHLIENTZ & MOORE BROS INC	Centerville
FH 003446	Spoto Funeral Service	Schulte & Mahon-Murphy Funeral Home	Lyndhurst

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

License #	Firm Title	Location
FH 003442	Herman - Veh Funeral Home & Cremation Services	Gibsonburg
FH 003443	Herman-Karlovetz Funeral Home & Cremation Services	Fremont
FH 003444	Roberts Funeral Home & Cremation Services, LLC	Washington Court House
FH 003445	Smoot Funeral Service	Columbus
FH 003447	Lucas - Batton Funeral Home	Upper Sandusky
FH 003448	Rebold, Rosenacker & Sexton	Cheviot

Approval of Paperwork Prior to Occupancy Permit and Final Inspection:

Type of Facility	Firm Title	Location
Funeral Home	Minnifield Funeral Home	Canton

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Robert Wasko, board vice president, inquired if the list of applications for license included the previous month's applications. Ms. Vanessa Niekamp, executive director, confirmed the list was a combination of two months of applications for license. No discussion among the board.

Motion to approve applications for facility licenses recommended for approval.

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

Action: 4.02 Individuals Recommended for Licensure

The board was provided with the Agenda Materials and reviewed the following applicants:

Initial License	Name of Applicant	Location
Emb.009649 FD.009746	Blankenship II, Victor	Lucasville
FD.009747	Brickman, Jonathan E.	Willoughby
Emb.009650 FD.009748	Correa, Theresa A.	Cincinnati
FD.009749	Dishong, Roger	Akron
Emb.009651 FD.009750	Henry, Martha A.	Columbus
Emb.009652 FD.009751	Jones, Fredricka	Painsville
EMB.009653 FD.009752	Armbruster, Natasha H.	Delta
EMB.009654 FD.009753	Bond, Nichole S.	Mt Gilead
FD.009754	Conroy, Bryce A.	Springfield
EMB.009655 FD.009755	Daup, Kelly D.	Perrysburg
FD.009756	Forney, Mark A.	Loveland
EMB.009656 FD.009757	Pirnstill, Conner J.	Marion

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. No discussion among the board.

Motion to approve applications for individuals recommended for licensure.

Motion by Bryan E Chandler, second by Robert Wasko.

Final Resolution: Motion Carries

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

Action: 4.03 Sierra Hill - Request to serve apprenticeship from two locations
Sierra Hill's master was her father, Dale Hill, who recently passed away unexpectedly. She now respectfully requests permission to serve her apprenticeship under a new master from the following two locations, her families' funeral home and the funeral home of the master. The master has committed to supervise her at both locations.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Bryan Chandler, board secretary, questioned if there was a new funeral director actually-in-charge of the funeral home. Ms. Vanessa Niekamp, executive director, confirmed there was a new actual-in-charge named. No discussion among the board.

Motion to approve Sierra Hill to serve her apprenticeship from two locations.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

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

Action: 4.04 Adam Holowczak - Request to serve apprenticeship from two locations

Adam Holowczak respectfully requests permission to serve his apprenticeship under his father, Peter Holowczak from the following two locations:

1. Holowchak Funeral Home, 5548 State Rd., Parma, OH 44134
2. Hopko Funeral Home, 6020 Broadview Rd., Parma, OH 44134

A letter of authorizing Adam to assist is father at Hopko was received by John Hopko.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. No discussion among the board.

Motion to approve Adam Holowczak to serve his apprenticeship from two locations.

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

Discussion: 4.05 No Motion Items

The board was provided with the Agenda Materials and reviewed the following applicants:

Individuals issued a Registration number:

<i>Type</i>	<i>Name</i>	<i>City</i>	<i>Issue Date</i>
FD	Carter, Kari	Farmersville	08/18/15
FD	Corrigan, Terrence	Rocky River	08/19/15
DUAL	Tucker, Theodore	Middletown	08/18/15
FD	Barnett, Kandy	N Bloomfield	09/01/15
FD	Corrigan, Sandra	Rocky River	09/04/2015
FD	Gompf, Geoffry	Cardington	09/04/15
FD	Hoffman, Cathy	Grand Rapids	09/14/2015
DUAL	Miller, Allison	Hillsboro	09/21/15

Individuals Certified as an Apprentice

<i>Type</i>	<i>Name</i>	<i>Funeral Home</i>	<i>City</i>	<i>Date</i>
FD	Carter, Kari	Arpp & Root FH	Germantown	09/01/15
DUAL	Miller, Allison	Turner & Son FH	Hillsboro	09/30/15
DUAL	Straughn, Lynay	Walker FH	Cincinnati	09/05/15

Dual	Tucker, Theodore	Schmidt-Dhnau-Kucner	Reading	08/24/15
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Change of manager and/or AIC (AIC name will need to be added to funeral home sign within 24 months):

Facility Title	License #	Licensee Name	Title Type	Location
Bauknecht-Altmeyer Funeral Home	002426	ZONKER, BENJAMIN T	MGR	Powhatan Point
Brough-Getts-Staver Fh	003043	STAVAR, JEFFREY S	AIC	Miamisburg
Catavolos Berry Funeral Home	002892	HOLICK, CHRISTOPHER M	AIC / MGR	Westlake
Catavolos Funeral Home	002357	DAVID A WALTERS	AIC / MGR	Fairlawn
Craciun Berry Funeral Home	002888	CRACIUN, JONATHAN J	MGR	Cleveland
Corrigan-Craciun Funeral Home	002886	CARGE, JOHN K	MGR	Cleveland
Gwen Mooney Funeral Home	002362	Theresa A. Correa	AIC	Cincinnati
Gwen Mooney Funeral Home	003221	Theresa A. Correa	AIC	Cincinnati
Gwen Mooney Funeral Home	00338	Theresa A. Correa	AIC	Cincinnati
Gwen Mooney - Miller Funeral Home	003316	Theresa A. Correa	AIC	Cincinnati
Schlientz & Moore Bros Inc	000839	MOORE, JAMES V II	MGR	Dayton
N J HOGENKAMP SONS INC	008083	BRIAN J HOGENKAMP	AIC	Saint Henry
GRISELL FUNERAL HOME	002810	CONNIE E GRISELL	Manager	Sardis
MAHONEY MEMORIAL	008873	JOHN P LAUBENTHAL JR	Manager	Brook Park
WALKER FUNERAL HOME	009066	DAWN WALKER	Manager	Cincinnati
WALKER FUNERAL HOME	009066	DAWN WALKER	Manager	Cincinnati

WALKER FUNERAL HOME	009066	DAWN WALKER	Manager	Cincinnati
RODMAN-SNYDER MEMORIAL CTR	008770	SHIRLEY E BUXTON	Manager	Columbus

Board meeting notation: Mr. Gregory Boyer, board president, introduced the no motion agenda item. No discussion among the board.

5. Continuing Education

Action: 5.01 Continuing Education Programs - Recommendation to Approve

The board was provided with the Agenda Materials, which include the list of applicants for September and October 2015. The documents provided to the board can be located online at the following link:

<http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=A232ZR6E09CD>

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Robert Wasko, board vice president, questioned if the list of applications for continuing education programs has been vetted through the board office. Mr. Boyer answered that the list had been reviewed. No discussion among the board.

Motion to approve applications for continuing education programs from providers recommended 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, Robert Wasko

6. Compliance

Action: 6.01 Report and Recommendation - Bauer Turner Funeral Home 15000675

The board received the Report and Recommendation in the Agenda Materials.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Ms. Christie Limbert, associate assistant attorney general and board counsel, stated the Board should have a separate motion and vote on the findings of fact, the conclusions of law, and the recommendation. In discussion on the motion to approve the Hearing Officer's recommendation, Mr. Robert Wasko, board vice president, commented the process does not make sense, as the hearing process cost more money than the imposed forfeiture and the licensee was not held accountable for the violation. Mr. Wasko explained he was going with this recommendation; see the backlog the Attorney General has with this board.

Motion to approve the Hearing Officer's finding of facts.

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

Motion to approve the Hearing Officer's conclusions of law.

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

Motion to approve the Hearing Officer's recommendation.

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

Action: 6.02 Report and Recommendation - Ourant Funeral Home 150006781

The board received the Report and Recommendation in the Agenda Materials.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. No discussion among the board.

Motion to approve the Hearing Officer's finding of facts.

Motion by Bryan E Chandler, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

Motion to approve the Hearing Officer's conclusions of law.

Motion by Bryan E Chandler, second by Thomas Taneff.

Final Resolution: Motion Carries

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

Motion to approve the Hearing Officer's recommendation.

Motion by Jack R Marchbanks, second by Gregory Boyer.

Final Resolution: Motion Carries

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

Action: 6.03 Report and Recommendation - Washington Funeral Home 150006788

The board received the Report and Recommendation in the Agenda Materials.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. No discussion among the board.

Motion to approve the Hearing Officer's finding of facts.

Motion by Robert Wasko, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

Motion to approve the Hearing Officer's conclusions of law.

Motion by Bryan E Chandler, second by Thomas Taneff.

final Resolution: Motion Carries

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

Motion to approve the Hearing Officer's recommendation.

Motion by Bryan E Chandler, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

Action: 6.04 Recommendation to Charge Case 1600027

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.

The board was provided with the Agenda Materials for Item 6.04.

Board meeting notation: Ms. Vanessa Niekamp, executive director, presented the compliance issue details. Upon commencement of discussion about the compliance issue, Mr. Thomas Taneff, board member, questioned Ms. Christie Limbert, associate assistant attorney general and board counsel, about the necessity of reading aloud the compliance issue content from BoardDocs. Ms. Limbert responded, if the board makes a motion regarding this charge, the board members would have to have personal knowledge of the facts there-in. If the board members recognize that they read this, and concur with it, I don't see a reason to, but it's certainly not prohibited. So it would be up to the board how much they want to discuss and how much they want to be read into the record. Mr. Taneff stated, I don't know, and again I am the chairman of the Ohio State Board of Cosmetology, Mr. Chairman, and I don't know that we have our executive director read through the entire cases where we have charges like this. Mr. Boyer replied in favor of reading aloud the content for the benefit of the meeting audience and transparency. Ms. Niekamp clarified that the administrative content provided to the Board for these items is not accessible to the public on BoardDocs. Ms. Limbert responded, "I am not comfortable answering questions about that right now." Mr. Taneff clarified that this was a public record right now.

Motion to charge *Judith El Anthony (FD.009681) and *James C. Battle III (DUAL.006790) and *J C Battle & Sons, Inc. (FH.002068) with the recommended violations as follows:

A Violation 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.

4717-8-01. Unprofessional conduct

Unprofessional conduct includes, but is not limited to, the following: (E) Violations of state or federal laws involving dishonesty, falsification, misrepresentation, deceit or deception.

Specifically, *Judith El Anthony (FD.009681) falsified the cremation authorization form by signing the name of an individual she had never contacted; *James C Battle III (DUAL.006790) was aware of the deception and took no action to correct the situation; and *J C Battle & Sons, Inc (FH.002068) proceeded with cremation without proper authorization.

And propose: A suspension of *Judith El Anthony (FD.009681) and *James C. Battle III (DUAL.006790) and *J C Battle & Sons, Inc. (FH.002068) licenses via an adjudicatory hearing.

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

Action: 6.05 Recommendations to Close

Mr. Boyer read the following case numbers recommended to be closed:

1500063, 1500072, 1600025, 1600026, 1600028, 1600030, 1600031, 1600032, 1600033, 1600034, and 1600040.

Board meeting notation: No discussion among the board.

Motion to close (11) cases.

Motion by Gregory Boyer, second by Robert Wasko.

Final Resolution: Motion Carries

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

Information: 6.06 Pending Cases

The board reviewed the list of cases pending with the board staff. The document can be found online at the following link: [https://www.boarddocs.com/oh/boefd/Board.nsf/files/A3DC2F6B858D/\\$file/Pending%20Cases.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/A3DC2F6B858D/$file/Pending%20Cases.pdf)

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Ms. Vanessa Niekamp, executive director, commented that the compliance issues regarding misappropriation of pre-need at top of list are related to one summarily suspended licensee. No discussion among the board.

Action, Information: 6.07 Requests for Representation to AAG

The board was provided with the Agenda Materials for Item 6.07.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Robert Wasko, board vice president, stated for record his dissatisfaction with the Office of the Ohio Attorney General about the settlement of compliance cases. Mr. Wasko stated there was a backlog of twenty-one compliance cases since July 2015 that have not been addressed because the workflow was transferred to the Attorney General's Office. Mr. Wasko declared the board previously passed a resolution to allow the board's executive director to settle compliance cases, however a memo received by the Office of the Ohio Attorney General stated the board should reconsider that resolution. As instructed, the board's executive director discontinued administering the settlement of compliance cases and requested representation of the Attorney General's Office for settlements. Mr. Thomas Taneff, board member, questioned Mr. Wasko if his statement was referring to unauthorized practice of law by the executive director. Mr. Wasko replied that his statement did not refer to his question, but to the executive director doing her job that is mirrored to other executive directors throughout the state. Mr. Wasko started to discuss a memo received from the Attorney General's Office, but was interrupted by Ms. Limbert. Ms. Limbert stated, "Mr. Wasko, I have to remind you, you have not voted to waive attorney client privilege. I just want to remind you of that." Mr. Wasko indicated he did not understand. Ms. Limbert stated, "The information you could be disclosing, has not been voted on by the board to be waived." There was discussion between Mr. Taneff and Mr. Wasko about releasing attorney client privilege regarding a memo received from the Office of the Ohio Attorney General regarding unauthorized practice of law. During the roll call vote, Mr. Taneff questioned Ms. Limbert about Mr. Boyer's capability to "pass" when voting. There was discussion among Mr. Taneff, Mr. Boyer, and Ms. Limbert regarding the qualification for passing on a vote instead of abstaining. Ms. Limbert offered to research the subject. The board agreed to recess the meeting so that Ms. Limbert may conduct research to answer Mr. Taneff's question.

MEETING CALLED TO RECESS AT 2:10 p.m.

MEETING CALLED TO RECONVENE AT 2:20 p.m.

Mr. Taneff stated, "before we get the answer from the AAG, I would like to remind the board before the board votes, the practice of law is governed by 4705.07 (A), and whoever violates 4705.07(A) guilty of a first degree misdemeanor." Ms. Limbert stated, there is no requirements under the Revised Code or Administrative Code on what form votes can take. It is my understanding with this board there is no procedure written or policies on what votes it can take. So it is permissible for a board member to pass, as long as it is clear that that board member either votes or abstains when the votes are totaled. Mr. Taneff requested Mr. Boyer to explain his passing of vote. Mr. Boyer responded by stating the lack of a full seven-member board bestows a responsibility on the president of the board to vote for majority on motions that may accomplish the work of the board.

Motion to waive attorney client privilege on the memo from the Attorney General regarding unauthorized practice of law.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Fails

Yes: Jack R Marchbanks, Thomas Taneff

No: Bryan E Chandler, Gregory Boyer, Robert Wasko

Board meeting notation: There was discussion between Mr. Taneff and Mr. Boyer about the email memo provided to the board regarding unauthorized practice of law from the Office of the Attorney General. Mr. Taneff motioned to waive attorney client privilege on the email memo. Mr. Boyer questioned Mr. Taneff if he would also waive attorney client privilege of emails between Ms. Summer Moses, former assistant attorney general and board counsel and himself. Mr. Taneff responded that he would have to as the AG for an answer to that, as he did not know if it was up to him to waive it. Ms. Limbert stated, "if it is advice on behalf of the board, then the privilege belongs to the board." Mr. Boyer stated he believes some of the conversation between them created the memo, and he was not privy to them. Mr. Taneff claimed Mr. Boyer was being evasive. Mr. Boyer stated he believed he had the right to ask for those conversations between Mr. Taneff and Ms. Moses that created the memo of conversation.

Motion to waive attorney client privilege on the email memo dated July 22, 2015, from Attorney General to the board.

Motion by Thomas Taneff, second by Jack R Marchbanks.

Final Resolution: Motion Fails

Yes: Jack R Marchbanks, Thomas Taneff

No: Bryan E Chandler, Gregory Boyer, Robert Wasko

7. Board Operations

Action: 7.01 IPP009 - Conducting Board Business

The board was provided with the Agenda Materials prior to the meeting. The document provided is a proposed Board policy on the conduct of Board business and can be obtained in the materials for Item 7.01. The documents passed out by Mr. Taneff during the Board meeting are included in the Agenda Materials for 7.01, under file names "Document 1 Provided by Taneff and Taneff Document 2."

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item and asked the members if they had reviewed the material. Mr. Taneff expressed he was having difficulty opening the item on his iPad. Mr. Boyer offered to have Ms. Niekamp read it. Mr. Taneff declined. Ms. Niekamp opened the material on the overhead projector for all in attendance to read.

Mr. Taneff expressed the item was confusing to him, he had not had the opportunity to digest the information, do his own legal research, and perhaps consult with the AAG. Mr. Taneff questioned, "If the idea here is to restrict a board member, or this board member's, fiduciary obligation to this Board, and general fiduciary obligations to the general public... I don't know that this is productive. And while we are talking about that, I need to know what currently this board's policy is on the preservation and retention of records."

Vanessa Niekamp, executive director, explained there is a statewide record retention schedule administered by the Department of Administrative Services, and an agency specific schedule that is approved by the Department of Administrative Services. Ms. Niekamp went on to state the length of retention, depended on

the record. Mr. Taneff questioned Ms. Niekamp what the retention policy was for emails. Ms. Niekamp responded with emails are retained for six months and then they are destroyed. Mr. Taneff motioned to revise the retention schedule to require email correspondences to and from the Executive Director be retained for two years, and then archived. Mr. Wasko made a point of order that the discussion was off topic. Mr. Taneff repeated his motion. Mr. Boyer commented that he believed there were state laws on the retention of records. Ms. Niekamp again provided the information regarding the Department of Administrative Services administration of the retention schedule.

Mr. Taneff questioned Mr. Boyer if the executive director had her emails from last August and September, and if she should have retained her emails for longer than six months. There was debate between Mr. Taneff and Mr. Boyer about retention of emails and how long they should be retained and by whom. Mr. Taneff reiterated the motion he wanted.

Mr. Boyer questioned Mr. Taneff if he also wanted to ask the Department of Administrative Services to require everyone to retain their emails for two years as well, or just this board. Mr. Taneff stated he was on this board now. Mr. Boyer asked Mr. Taneff how long the State of Ohio Board of Cosmetology retained their emails. Mr. Taneff stated, "we haven't had the problems that we have with the retention of emails." Mr. Boyer asked what the Cosmetology's policy was. Mr. Taneff stated he did not know and would have to check with the AG's office. Mr. Boyer questioned that Mr. Taneff would want to pass a policy for this board, when he does not know the policy of the Cosmetology Board. Mr. Taneff stated, "yes, this is the Funeral Board Board, it is not the Cosmetology Board."

Mr. Taneff then stood and distributed paper copies of an email dated August 21, 2015 from the executive director of the board to Mr. Taneff to fellow board members, board counsel, and representatives of media in attendance of the meeting (the document is available with the Agenda Materials for Item 7.01). The content of the email concerned her inquiry to the Ohio Bar Association for opinion of the unlicensed practice of law. Mr. Boyer stated the board had seen the email in a prior public records request. Mr. Taneff questioned how many members of the media were in attendance and proceeded to walk to each and provide them copies of the email.

Mr. Wasko made a point of order that discussion was now on to something else and still off topic. Mr. Taneff shared his reasons for why he believed it was important. Mr. Taneff stated, "the executive director went outside the board, and by the way she had a meeting with Mr. Fulkerson and did not retain a copy of the documents, which I again think is a retention issue. I requested those somewhere around April 11th and I find it very troubling that the executive director did not retain a copy of the documents that she took to Mr. Fulkerson. When the executive director sought outside counsel, again she did it without board authority, there was never any public discussion, and went outside this board's authority; and..." Mr. Boyer interrupted and asked Mr. Taneff if that was when he had asked her to visit them. Mr. Taneff then read from the email from Ms. Niekamp stating that she had called his office at 1:55 p.m. in the presence of her staff and left a detailed voice message. Mr. Taneff stated he ordered his phone records and there was no call from Ms. Niekamp to his office. Mr. Taneff provided phone records for numbers (614) 241-2180 and (614) 241-2181 (the document is available with the Agenda Materials for Item 7.01). Mr. Taneff stated, "If she's making phone calls, or opening emails and writing emails in the presence of staff, what does that say about her accountability; or is that simply a self-preservation mode." Mr. Taneff explained that is why he wants the records retained.

Mr. Boyer advised the discussion is normally kept to the motion, and the he was confused as to what Mr. Taneff's motion was. Mr. Taneff stated, "if we had a stenographer and an appropriate record keeping system, the way we do on the Cosmetology Board, right now we could ask the court reporter to read back the motion. Instead we have the executive director that's typing up my motion that she may or may not agree with." Mr. Boyer pointed out the board has a camera with audio and video. Mr. Boyer went on to recounted the history of recording the board's minutes, and said this has been explained to Mr. Taneff many times. Mr. Boyer stated the board purchased a camera which shows everything that is going on, and everything that is being said. Mr. Boyer advised when the board decided to go paperless and chose BoardDocs, they knew one of the features was video and audio.

Mr. Taneff recited his motion again. Mr. Boyer stated he was not going to supersede DAS. Ms. Limbert stated, "I am not sure if that is correct, but I would be happy to look into that for you." Mr. Bryan Chandler, board secretary, commented on his approval of amending the retention schedule; provided the board proceeds without conflicting with Department of Administrative Services authority. Mr. Chandler suggested tabling Mr. Taneff's motion until research on the authority to change the retention schedule is complete. Mr. Chandler questioned if you can create a policy for only one employee, and express he thought you would have to do it for all.

Mr. Taneff recounted his years of participation on many other boards and commented the he had never experience the lack of accountability and transparency the he has with the board of embalmers and funeral directors. Mr. Boyer stated, "that is a false statement and completely untrue." Mr. Boyer responded by recounting his accomplishments over the years to report accountability.

Mr. Taneff stated, "Ms. Niekamp is quoted in the Dispatch newspaper that she falsely accused this board member." There was discussion between Mr. Taneff and Mr. Boyer about transparency and accountability. Mr. Taneff questioned Mr. Boyer, "you agree Mr. Chairman that the unauthorized practice of law without a license, is a first degree misdemeanor?" Mr. Boyer responded, "I have never read that law, but you stated you did the same things on the Cosmetology Board, that you negotiated settlements. It's in the minutes that you stated that." Mr. Taneff responded, "our cosmetology has contact with pending cases, but they have always relied upon the assistance of their AAG."

There was discussion between Mr. Boyer and Mr. Taneff about various types of licenses and the licensing requirements for each. Mr. Jack Marchbanks, board member, requested the board return to the motion and vote.

Mr. Boyer commented on inappropriate conversations, emails, telephone calls, and meetings between Mr. Taneff and: The Office of the Attorney General, licensee's previously disciplined by the board, potential registrants to the board, and persons with opposition to the board. Mr. Boyer stated, "I feel like we spent time on this frivolousness, and the board is not doing its job because we are tied up in frivolous." Mr. Taneff claimed Mr. Boyer's comment in the past is that this is a complete waste of time. Mr. Boyer stated, I said because I was doing an internal investigation and we had forwarded it to the Inspector General, we had multiple people doing investigations at the same time: you had your own investigation, I was doing an investigation, we had forwarded information the IG... we had multiple groups at the same time. Mr. Taneff stated, you sent me an email Mr. Boyer stating that if there has been a falsification of public records, that inquiring into that was a waste of time. Mr. Boyer responded that Mr. Taneff's statement was false. Mr. Taneff and Mr. Boyer debated back and forth as to who had used the term waste of time, each claiming the

other had used the words.

Mr. Boyer stated, "from our investigation that we looked at from the staff and from our emails, nothing was altered from our end. I know when Randy Ludlow had called me, I asked him if he had access to the email of the employee of the Columbus Dispatch, and he said he did not. So the email had gone through different people, and we don't have each and every step on the email, and I was also told that none of the context of the emails were changed. The context was the same, it was not changed, it's not a public document... it's an email. And the context of the email was never change, and never altered." Mr. Taneff asked if Mr. Boyer was filibustering this board meeting.

Ms. Niekamp asked for clarification about the motion pertaining to archiving records with the state. Ms. Niekamp explained that a pre-determined retention period for archived records was necessary before adoption of a policy. Mr. Marchbanks questioned if the board was responsible for deciding the term with whatever is the common practice among other state agencies and boards.

Mr. Taneff read aloud, quoting Mr. Boyer, from an email dated October 5, 2015, "I will not stand idly by while you waste tax payers' dollars on a wild goose chase." Mr. Boyer asked Mr. Taneff to read the full email. Mr. Taneff then read, "With regards to your question pertaining to our last email correspondence, and whether or not said email was authored by myself, I can assure you that I did in fact write that email." Mr. Boyer interrupted stating, "he accused me of having someone else write my emails." Mr. Taneff continued, "furthermore, this line of questioning is a waste of my, the funeral directors and embalmers time." Mr. Taneff said, "I don't think it's a waste of time Mr. Boyer. I have completely contradicted what you have been saying for a half and hour. You said this is a waste of time and I've got you on an email right there."

There was discussion between Mr. Boyer and Mr. Taneff about releasing and waiving attorney client privilege regarding the email memo received by the Office of the Ohio Attorney General regarding the unauthorized practice of law.

Upon casting his vote of abstain, Mr. Chandler explained his desire to allow board counsel opportunity to research authority to amend the retention schedule.

Motion to have a record retention schedule that requires the Executive Director to retain all records including emails to and from, for 2 years and then forwarded to state archive.

Motion by Thomas Taneff, second by Jack R Marchbanks.

Final Resolution: Motion Fails

Yes: Jack R Marchbanks, Thomas Taneff

No: Gregory Boyer, Robert Wasko

NOT VOTING (Abstain/Present): Bryan E Chandler

Motion to table 7.01 Conducting Board Business to the next meeting.

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

Action: 7.02 Release Attorney Client Privilege - Cremains remaining in the

Tate Funeral Services facility.

The board was provided with a letter written by prior Board President, Thomas Fleming to prior Associate Assistant Attorney General, Summer Moses on June 5, 2015, regarding cremains remaining in the Tate Funeral Services facility.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Taneff questioned Ms. Christie Limbert, associate attorney general and board counsel, for an opinion about the agenda item. Ms. Limber replied, "this office has already given an opinion on this, this came from Deputy Chief Counsel Jonathan Fulkerson wrote a letter to the board on June 10, 2015, about this very thing, cautioning the board on releasing privileged materials. I don't have anything further to add from that memo." Mr. Marchbanks asked Ms. Limbert if she supported that prior opinion. Ms. Limbert stated, "correct, I support the recommendation of my section chief and deputy chief counsel regarding the waiver of attorney client privilege." Mr. Marchbanks clarified that was to not waive. Ms. Limbert responded, "that is cautioning about the ability to waive and whether it should be waived." Mr. Wasko stated, that the caution you get all the time from the AG's office. So, I know there have been motions made and we've had members say yes to releasing and we had members who said no, but the advice always from the AG's office is not to do that. Mr. Boyer asked Ms. Limbert if it were permissible to discuss why the agenda item was presented to the board. Ms. Limbert answered, yes, you just can't discuss the contents though without the waiver. Mr. Wasko stated he would like to make the motion.

Motion to release attorney client privilege associated to the June 5, 2015, letter from prior Board President Thomas Fleming to Associate Assistant Attorney General Summer Moses regarding cremains remaining in the Tate Funeral Services facility.

Motion by Robert Wasko, second by Gregory Boyer.

Final Resolution: Motion Fails

Yes: Bryan E Chandler, Gregory Boyer, Robert Wasko

NOT VOTING (Abstain/Present): Jack R Marchbanks, Thomas Taneff

8. Executive Director's Report

Information: 8.01 Inspections Completed by Seehase

The board reviewed the list of inspections conducted by Troy Seehase and an overview report of work completed. The overview report can be found online at the following link: <http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=A22G5E421B81>

Board meeting notation: Mr. Gregory Boyer, board president, introduced and summarized the agenda item. No discussion among the board.

Discussion: 8.02 Inspections Completed by Anderson

The board reviewed the list of inspections conducted by Eric Anderson and an overview report of work completed. The overview report can be found online at the following link: <http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=A22KMJ4F1337>

Board meeting notation: Mr. Gregory Boyer, board president, introduced and summarized the agenda item. No discussion among the board.

Information: 8.03 Ohio state government sets new records in minority purchasing

The board reviewed the press release from Lt. Governor Mary Taylor on August 20, 2015. The press release can be found online at the following link: <http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=9ZKNAL50B37A>

Board meeting notation: Mr. Gregory Boyer, board president, introduced and summarized the agenda item. Mr. Robert Wasko, board vice president, complimented Ms. Vanessa Niekamp, executive director, and board staff for exceeding the state's Minority Business Enterprise requirement.

Information: 8.04 Workforce Planning SFY2016

The board reviewed the Workforce Plan for 2016. The plan can be found online at the following link:

<http://www.boarddocs.com/oh/boefd/Board.nsf/goto?open&id=A3B2WE71E1A9>

Board meeting notation: Mr. Gregory Boyer, board president, introduce the agenda item. Mr. Robert Wasko, board vice president, summarized the agenda item. Mr. Wasko requested Mr. Thomas Taneff, board member, to apprise the board of any communication from his contacts within the Ohio Governor's Office regarding additional inspectors to the board. Mr. Thomas Taneff, board member, recounted instructions from the Governor's Office to minimize pre-paid funeral fraud upon his appointment to the board. Mr. Wasko reiterated to Mr. Taneff that any help he could provide in getting an additional inspector for the board would be very helpful.

Information: 8.05 SFY2016 Budget Review and Invoices

The board reviewed a Fiscal Overview provided by the Executive Director that included: Revenue Analysis from Biennium 08/09 to 14/15, SFY16 budget, and disbursements from August 14, 2015 through October 16, 2015.

The Fiscal Overview can be found online at the following link: [https://www.boarddocs.com/oh/boefd/Board.nsf/files/A3DBJL6AD88F/\\$file/2016%20OCT%20Fiscal%20Overview.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/A3DBJL6AD88F/$file/2016%20OCT%20Fiscal%20Overview.pdf)

Board meeting notation: Mr. Gregory Boyer, board president, introduced and summarized the agenda item. No discussion among the board.

Information: 8.06 Thank you from Rich Geib

The board reviewed a letter from Rich Geib to Executive Director Niekamp. The letter can be found online at the following link: [https://www.boarddocs.com/oh/boefd/Board.nsf/files/A3ALSH5667EA/\\$file/Rich%20Geib%20-%20Thank%20you_1.PDF](https://www.boarddocs.com/oh/boefd/Board.nsf/files/A3ALSH5667EA/$file/Rich%20Geib%20-%20Thank%20you_1.PDF)

Board meeting notation: Mr. Gregory Boyer, board president, introduced and summarized the agenda item. Mr. Boyer stated Mr. Geib had attended the OFDA Master's training program and thanked Ms. Niekamp for taking time to present. Mr. Geib had stated he learned more from Ms. Niekamp's presentation than any other. No discussion among the board.

Information: 8.07 New Funeral Bill Update

The board reviewed the following agenda materials provided by the executive director:

Representative Schaffer's office has received the final revised draft completed by the Legislative Service Commission of the New Funeral Bill. Representative Schaffer's staff is reviewing it to make sure it includes all requested revisions. They want to get it done in time for it to share at this meeting.

They are on track to introduce it in the next couple weeks!

The Objective of this Bill

- Increase access to the board for consumers

- Create jobs by expediting the licensure process
- Protect public health by ensuring a standard of competency for those who perform cremation
- Eliminate unclear and overly restrictive regulations

As Proposed

- **Change the name of the Board of Embalmer and Funeral Directors to the Funeral Board**
 - The funeral industry has evolved since the establishment of this board in 1902. Today consumers refer to those who practice in this industry under many titles such as: Undertakers, Morticians, Embalmers, Funeral Directors, and my others.
 - The name change makes it easier for consumers to find the board, as many may be using a different term than Embalmer with trying to locate help.
 - By changing the name of the board to simply the Funeral Board, it increases public perception of the regulatory services they provide.
- **Allow the Executive Director of the board to issue temporary licenses**
 - Currently a licensee for an individual or business license must wait for the next board meeting to become legally licensed and have the ability to provide services.
 - The board meets once a month and if the licensee does not have all of their paperwork in order by the single meeting date available each month, they must wait an entire month to practice.
 - The licensure process can be expedited and we can get our citizens actively employed in the funeral profession by authorizing the Executive Director to issue temporary licenses.
- **Add a Crematory Operator Permit**
 - Currently individuals who perform embalming and funeral directing have a standard of competency that must be met to provide services in the funeral industry, but individuals who perform cremation do not.
 - Cremation is a form of final disposition that cannot be undone and we must ensure best practices for safe, proper, and ethical crematory operations are provided to Ohio families.
- **Abolish the Crematory Review Board**
 - Current law establishes the Crematory Review Board which consists of three members of the Board of Embalmers and Funeral Directors, along with three members of the Cemetery Dispute Resolution Commission, and one person who is experienced in the operation of a crematory facility that is not affiliated with a cemetery or a funeral home.
 - The Crematory Board conducts adjudicatory hearings on matters associated to crematories and then makes a recommendation back to the Board of Embalmers and Funeral Directors.
 - A consumer who has an issue with a crematory would have to go through a lengthy two-step process, Crematory Board then Funeral Board to seek resolution.
 - Elimination of the Crematory Review Board is a Common Sense Initiative. It will increase access for consumers by removing an unnecessary step and allowing direct access to the final authority which can address any violations.
- **Revise the board membership to include a crematory operator permit holder**
 - With the elimination of the Crematory Review Board and the creation of a crematory operator permit, an amendment to the membership of the board is warranted.

The new membership as proposed would reflect all of the license types regulated by the board, as well as the public.

- **Update the definition of Embalming**

- The current definition of embalming established in Ohio law is unclear and slightly vague based on current medical standards.
- The recommended revision makes certain our deceased loved ones receive proper preservation.

- **Eliminate the funeral home naming restrictions**

- The current funeral home naming requirements are overly restrictive and require funeral homes to be named for their licensed operators; and family/business names cannot be carried from one location to another unless there is still a licensed operator associated to the new facility.
- In 2012 a federal judge in Pennsylvania ordered the state to rewrite its funeral regulations which mirrors Ohio regarding naming of funeral homes. Judge John Jones III of the Middle District Court of Pennsylvania ruled the funeral regulations were antiquated and potentially unconstitutional.
- Many in Pennsylvania argued the naming rule was designed to protect consumers by keeping owners accountable. But the judge described that regulation as “thinly veiled attempts to maintain the status quo for established funeral directors and their families.”
- Our board took this as a wake-up call and quickly began examining our rules.
- This proposal eliminates an overly restrictive regulation, while increasing public protection by removing the naming limitations and adding more information for consumers about the owners and operators of the business.

- **Require preneed funds to be paid directly to the insurance, trust or annuity and the creation in the state treasury a preneed funeral contract recovery fund to protect consumers**

- Preneed laws have been tracked on a national level in the US for the past 15 years.
- In that time a dozen states have adopted new preneed laws and regulations while ten states, including Ohio, have made significant revisions to their laws to provide protection to consumers and limit the risk in pre-paying for a funeral.
- Seven important consumer protections areas have been identified.
- Ohio ranks in the top of all states in six of those consumer protection areas and with these revisions ensure the seventh consumer protection area was covered by Ohio law:
 1. Portability rights
 - a. Consumers in Ohio have the unfettered right to transfer prepaid funds to another funeral home. (Ohio is one of 39 states that have this.)
 2. Transfer fees
 - a. Ohio restrict the transfer fee to 10% of the prepaid funds
 - b. However, states like Florida, Missouri, Utah, and Wyoming allow funeral homes to retain all trust fund earnings or to impose transfer fees of up to 25% of the funds in trust when a consumer transfers preneed funding.
 3. Comprehensive contract disclosures
 - a. Ohio is one of 27 states to receive an excellent rating on consumer contract disclosures.

4. Trusting levels
 - a. Ohio is one of 29 states to require 100% of the funds be trusted. Some states, like Florida and Hawaii have a primary trusting level as low as 70%.
5. Prohibitions against sellers withdrawing earnings from preneed trusts
 - a. Ohio's law further protects consumer funds by not allowing sellers to withdraw trust funds.
 - b. There are twelve states that will allow the seller to withdraw all or a portion of the interest earned on the trust.
6. Confirmation of preneed deposits
 - a. Ohio is one of only 16 states requiring banks or funeral homes to confirm preneed deposits with consumers.
7. Preneed guaranty fund
 - a. 14 states currently have a preneed guaranty fund
 - b. This legislation would create a preneed guaranty fund for Ohio.

• **Make other minor changes for consistency between license types.**

Board meeting notation: Mr. Gregory Boyer, board president, introduced and summarized the agenda item. Mr. Robert Wasko, board vice president, provided explanation of objectives within the new bill; along with history of the board's efforts in developing a bill to include these objectives. Mr. Wasko indicated this bill addresses preneed fraud, creates a victim's fund, changes the naming requirements, and gets licenses issued quicker. Mr. Jack Marchbanks, board member, requested further information about the bill from Ms. Vanessa Niekamp, executive director. Ms. Niekamp responded with details of timeline for the bill.

Representative Schaffer's office has received the final revised draft completed by the Legislative Service Commission of the New Funeral Bill. Representative Schaffer's staff is reviewing it to make sure it includes all requested revisions. They want to get it done in time for it to share at this meeting, but it is expected to be introduced in the next couple of weeks.

9. Agenda Item Requests from Thomas Taneff

Action, Discussion: 9.01 Document Thomas Taneff received from Greg Zamborsky

Thomas Taneff provided the board with an article written by T. Scott Gilligan on 12/30/2008 prior to the meeting. The article can be found online at the following link: [https://www.boarddocs.com/oh/boefd/Board.nsf/files/A2GS4M614F10/\\$file/Untitled.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/A2GS4M614F10/$file/Untitled.pdf)

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer acknowledged that Mr. Gregg Zamborsky was in attendance of the meeting as a member of the audience. Mr. Thomas Taneff, board member, offered Mr. Zamborsky opportunity to address the board or himself about the agenda item.

Mr. Zamborsky (whose voice may be heard off-camera during video recording of this meeting) recounted his previous appearance before the board in May 2015 concerning the topic of unlicensed persons practicing funeral directing. There was a question and answer session between Mr. Taneff and Mr. Zamborsky about his previous attempts to engage the board with his concern.

Mr. Robert Wasko, board vice president, offered to address Mr. Zamborsky's concern by reading aloud an analysis of House Bill 196, as written by Legislative Services Commission of Ohio. The analysis defined the

scope of work licensed insurance agents are permitted to employ when securing funding related to a pre-need funeral contract and identified the authority to regulate and enforce the law. There was discussion between Mr. Zamborsky and Mr. Wasko about the analysis. Mr. Taneff questioned Mr. Wasko if a previous opinion had been provided by the Office of the Attorney General about Mr. Zamborsky's concern. Mr. Wasko answered that an opinion had been produced. There was discussion between Mr. Boyer and Mr. Zamborsky about the identity of a person [licensed funeral director or licensed insurance agent] when meeting with families about pre-need arrangements.

There was discussion between Mr. Wasko and Mr. Taneff about assisting Mr. Zamborsky with his concern. Mr. Taneff questioned the board why Mr. Zamborsky's requests for a meeting, other than a board meeting, to address his concern have been denied. Ms. Vanessa Niekamp, Executive Director, answered by stating that she relied on the advice of Board counsel that the Executive Director did not have the authority to speak on behalf of the Board regarding the Mr. Zamborsky's concerns, and that she should advise Mr. Zamborsky of the law and ask him to submit complaints to the board. Ms. Niekamp stated that she provided that information several times, and when Mr. Zamborsky requested to speak to the Board she scheduled him before the Board and provided his information to the Board. She said that when a complaint related to an insurance agent, she forwarded the complaint to the Department of Insurance because those complaints are outside of the Board's scope. Ms. Niekamp said she followed the advice of the AAG and the AAG advised her that she did not have authority to commit to any action. Mr. Taneff stated that meeting with someone to listen to them is different from taking action, and that he doubted that an assistant attorney general would tell her not to meet with someone.

There was debate between Mr. Zamborsky and Mr. Boyer about roles of a funeral director and an insurance agent associated to the sale of pre-need and the actions that each take. Mr. Zamborsky stated that he believes there is a difference between soliciting and selling.

Mr. Bryan Chandler, board secretary, expressed understanding to Mr. Zamborsky and asked if he reported specific occurrences of unlicensed funeral directing to the board. Mr. Doug Wilson was in attendance of the meeting as a member of the audience. Mr. Wilson (whose voice may be heard off-camera during video recording of this meeting) responded to Mr. Chandler's question by stating many complaints have been provided to the board about unlicensed funeral directing. Mr. Wilson stated the board has repeatedly refused to address unlicensed funeral directing; claiming the wrongdoers are acting as insurance agents selling an insurance product, not funeral services. Mr. Wilson stated affiliation of twenty-five years with a funeral home as a pre-need director; as a licensed insurance agent and licensed funeral director. Mr. Wilson expressed an abundance of examples of unlicensed funeral directing may be found around Ohio and showed one that he stated can be found on the internet.

There was a questions and answers session between Mr. Boyer and Mr. Wilson about Mr. Wilson's employment. Mr. Chandler asked Mr. Wilson if he had taken his concern to the Ohio Department of Insurance. Mr. Zamborsky responded that the issue always gets referred back to the Board of Embalmers and Funeral Directors.

Mr. Wilson said he had been employed by Rutherford Funeral Home but was forced out by an unlicensed person. Mr. Boyer questioned if Mr. Wilson was trying to say you could not sell an insurance product without have a funeral directors license. Mr. Wilson responded that Mr. Boyer was getting it confused. Mr. Wilson said, "here's the point I was a funeral director employed by Rutherford Funeral Home, and Bill

Rutherford delegated that responsibility to me, he died last summer. Upon his death, his family replaced me with an unlicensed person. Do you think I have an ax to grind? My job was taken by someone ill-suited for the job. They have a high school diploma and an insurance license. They are meeting with families and making funeral arrangements, not selling funeral insurance."

Mr. Boyer gave examples of conversations between consumers and insurance agents that he does not believe require a funeral director. Mr. Wilson questioned if insurance agents in a funeral home can show consumers products. Mr. Wilson claimed anybody can do anything in this state with the way the board is setting things up.

Mr. Taneff suggested the board consult with the Office of the Ohio Attorney General for a legal memo regarding the issue. Mr. Boyer pointed out the board does not regulate insurance.

Mr. Wasko inquired about a meeting between Ms. Christie Limbert, associate assistant attorney general and board counsel, and Mr. Gregg Zamborsky and Mr. Doug Wilson. Ms. Limbert clarified, "there is already a request to the AG's office that was done back in May, to write a memo on this law and what is changed. In the very first meeting, and it was only two months ago, where I was the attorney general representing the board, I was asked about the status of this. I said I am looking at it. Mr. Taneff suggested I go back and view the meeting video from May, which I did, and I did not really have enough information to paint a picture and I was concerned about the North Carolina Dental Board Case, and I wanted to give you a thorough memo. I have it drafted, but wanted to get the context of everything. On Mr. Taneff's suggestion, I contacted Mr. Wilson and Mr. Zamborsky. I called them, we had a phone conference. I told them I am not representing you, I am representing the board, just tell me what this is about. They told me what it was about and I have background. I already have this half drafted." Mr. Wasko questioned Ms. Limbert if the board should wait for the memo. Ms. Limbert stated, "It will be done before the next meeting."

Mr. Wasko concluded his participation in the discussion of unlicensed practice of funeral directing by reading aloud the analysis of House Bill 196 again.

Ms. Niekamp stated, she had tried to say as little as possible, but felt like she needed to make one point. She thought this discussion probably proved why she said a one-hour conversation between just Mr. Zamborsky and herself would not be beneficial; why she asked in an email Mr. Zamborsky was referring to for further clarification on what specifics they had that could be responded to. On numerous occasions she had talked over the phone with Mr. Zamborsky and had sent him the board's complaint process. She stated, they are correct they have sent her websites, but not specific details on who those individuals may have met with, when they may have met with them, or anything for the board to look into, other than to just go and review everything that that person may have done who is also an insurance agent and not under the board's scope. Mr. Taneff suggested the board should await the written memo from board counsel. Mr. Taneff stated that Mr. Zamborsky or Mr. Boyer may be right, but that he is not in their business, he went on to express his belief that the executive director of the board could have met with Mr. Zamborsky and Mr. Wilson to hear their grievances. There was discussion between Mr. Boyer and Mr. Taneff about assisting Mr. Zamborsky and Mr. Wilson with their concern at the Ohio Department of Insurance.

Action, Discussion: 9.02 Email access by Ms. Niekamp to board members funeral board email accounts

The received four emails from Thomas Taneff during the discussion of this agenda item. The documents provided by Mr. Taneff can be found online at the following link: <https://www.boarddocs.com/oh/boefd/Board.nsf>

[/files/A4W67J6E780A/\\$file/Four%20emails%20provided%20by%20Taneff.pdf](/files/A4W67J6E780A/$file/Four%20emails%20provided%20by%20Taneff.pdf)

Boarding notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Thomas Taneff, board member, distributed paper copies of four emails regarding the agenda item topic to fellow board members, board counsel, and representatives of the media in attendance of the meeting. Mr. Taneff claimed the content of the emails concern accessibility to board members' email by the executive director of the board. Mr. Taneff read aloud the communications between Ms. Niekamp and himself as written in the emails, "We do not have a tech guy." Mr. Taneff stated it is his understanding, that the state of Ohio has a tech guy that manages the funeral board website. Mr. Taneff read from another email from Ms. Niekamp, "I have access to reset the account. If I reset it, then use the password to open the account. I just accessed your account with that information." Mr. Taneff read from a third email from Ms. Niekamp, "I am the tech guy for BoardDoc administrative roles."

Mr. Taneff then read from an email from Mr. Boyer and Mr. Boyer interrupted to say, "Let's clarify how that started... I set up a state email account so I did not use my personal business account that all of my employees use. I stated to you that I no longer wanted board business being sent to my personal email account at my business that all of my employees have access to." Mr. Taneff responded that he replied to all and the email was used by Ms. Louka. Mr. Taneff pointed out other board members use personal email accounts.

Mr. Boyer described the function of BoardDocs; the electronic paperless system the board uses during board meetings. There was discussion between Mr. Taneff and Mr. Boyer about usable features within BoardDocs. Mr. Boyer explained that BoardDocs is not an email account, it is a paperless system. Mr. Taneff claimed you can send messages on BoardDocs during meetings.

Mr. Taneff stated he does not want Ms. Niekamp to have access to his BoardDocs. Mr. Boyer pointed out that she told him how to reset his password. Mr. Taneff reiterated that he did not want Ms. Niekamp to access to his account. Mr. Boyer explained that Mr. Taneff could turn over the iPad he has been assigned by the board and he could bring his own laptop in.

Mr. Taneff motioned to enter executive session. There was discussion between Ms. Vanessa Niekamp, executive director, and Ms. Christie Limbert, associate assistant attorney general and board counsel, about the correct chapter number of Ohio Revised Code identifying a motion for executive session. Mr. Boyer asked Mr. Taneff if board counsel would be present during the executive session. Mr. Taneff responded that board counsel would not be present. Mr. Boyer asked Mr. Taneff if notes were to be taken during the executive session. Mr. Taneff responded that notes would not be taken. Ms. Limbert read aloud rules for the board to follow while engaged in an executive session. Ms. Niekamp stated a right to request for a public hearing for any discussion of an investigation of a public employee. Mr. Taneff responded that Ms. Niekamp was not entitled to attend the executive session. Ms. Niekamp clarified that she requested a public hearing. Mr. Taneff responded that Ms. Niekamp was not entitled to a public hearing. Ms. Limbert stated, "the Supreme Court of Ohio ruled in September about this issue, that it is only a hearing that would be otherwise granted by law. If the board is discussing a public employee and that employee does not already have a hearing right, then that person cannot prevent an executive session and is not entitled to have a hearing. The case is Stewart v. Lockland School District Bd. of Education. I can provide the board a copy." Mr. Taneff stated, "yes, please send the board a copy." Mr. Boyer asked Ms. Limbert if she had any rights. Ms. Limbert stated, "it has not been identified who the employee is." Ms. Niekamp stated, "I am the only employee of the board." Ms. Limbert stated, "I don't think that is accurate. A public employee can require a hearing be held in public if his employment status be held in public per Revised Code 121.22(G)(1) only when that employee is otherwise entitled to a public hearing."

There was discussion between Ms. Niekamp and Ms. Limbert about who is considered an employee of the Board.

Mr. Robert Wasko, board vice president, declared that he would not vote in favor of an executive session based on previous experience with the board being sued for entering an executive session.

Motion to go into executive session for the sole purpose of the consideration of any of the following matters, to consider the appointment, employment, dismissal, discipline of a public employee or official, or the investigation of charges or complaints against a public employee or official.

Motion by Thomas Taneff, second by Jack R Marchbanks.

Final Resolution: Motion Fails

Yes: Jack R Marchbanks, Bryan E Chandler, Thomas Taneff

No: Gregory Boyer, Robert Wasko

Board meeting notation: Ms. Niekamp plead to the board to go into executive session to converse about whatever was necessary to return to the business of the board. Mr. Wasko stated reconsideration of his opposition to participate in an executive session. Mr. Wasko question who would participate in the executive session. Ms. Limbert responded, "I will be abstaining from being a part of the executive session." Mr. Taneff stated that only board members would attend. There was discussion between Mr. Wasko and Mr. Taneff about who would motion for the executive session. Mr. Taneff stated frustration with Ms. Niekamp's recording of his original motion correctly. Mr. Taneff motioned to enter an executive session again.

Motion to go into executive session pursuant to Revised Code Section 121.22(G)(1) for the sole purpose of the consideration of any of the following matters, to consider the appointment, employment, dismissal, discipline of a public employee or official, or the investigation of charges or complaints against a public employee or official.

Motion by Thomas Taneff, second by Jack R Marchbanks.

Final Resolution: Motion Carries

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

No: Gregory Boyer

REGULAR MEETING OF THE BOARD CALLED TO ENTER INTO EXECUTIVE SESSION AT 3:57 P.M.

REGULAR MEETING OF THE BOARD CALLED TO RECONVENE TO OPEN SESSION AT 4:33 P.M.

Board meeting notation: Mr. Taneff motioned to suspend the executive director of the board.

Motion to suspend Vanessa Niekamp from her executive director duties.

Motion by Thomas Taneff, second by Jack R Marchbanks.

Final Resolution: Motion Fails

Yes: Jack R Marchbanks, Thomas Taneff

No: Bryan E Chandler, Gregory Boyer, Robert Wasko

10. Adjournment

Action: 10.01 Adjourn the Meeting

Motion to adjourn at 4:35 p.m.

Motion by Robert Wasko, second by Thomas Taneff.

Final Resolution: Motion Carries

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

