

Regular Meeting (Monday, October 17, 2016)

Generated by Jarrod Williams on Wednesday, October 19, 2016

Members present

Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Meeting called to order at 1:02 PM**1. Convening of the Board- President**

Action, Procedural: 1.01 Calling of the Roll

A quorum of the board consists of four members, of whom at least three shall be members who are embalmers and funeral directors. The concurrence of at least four members is necessary for the board to take any action.

Procedural: 1.02 Pledge of Allegiance

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Recognition: 1.03 Recognize Apprentices

During apprenticeship, apprentices are required to complete assignments published to their corresponding apprenticeship task list. One of the tasks cataloged, as an additional training requirement, is to attend one state board monthly meeting. This new task was established by the board July 26, 2016 for one-year apprentices that started their apprenticeship February 1, 2016 or beyond; and for two-year apprentices that started their apprenticeship February 1, 2015 or beyond.

The board would like the opportunity to recognize apprentices in attendance of the meeting who are fulfilling this requirement.

Board meeting notation: Mr. Jon Rettig welcomed all apprentices in attendance of the meeting and requested each person stand and state their name so that all may hear. In attendance were Andrew George and William N. Prenger.

2. Executive Director's Report

Information: 2.01 Executive Director's Report

The board was provided a copy of "Executive Director Report" in the agenda item details for review. The document may be located online at the following

link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEPRYK6DE14E/\\$file/Executive%20Director%20Report%20October%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEPRYK6DE14E/$file/Executive%20Director%20Report%20October%202016.pdf)

Board meeting notation: Mr. Tim Derickson commented on each topic listed within the executive director's report outline:

- The board was updated on the Crematory Review Board meeting date and time. There was no discussion among the board.
- The board was updated on the first convening of the board committee formed to review agency rules. The meeting was held on 10/17/2016 at 12:00 p.m. in the board office. Mr. William Wappner, chairperson of the committee, shared that the next committee meeting is scheduled for 11/22/2016 at 1:00 p.m. Mr. Wappner reminded all that it was an open meeting.

Mr. Jon Rettig thanked Tim Derickson for his work on coordinating the rules review process with JCARR.

- Mr. Derickson invited Danny Finfrock to provide the board with a status update of the current license renewals. Mr. Finfrock shared that approximately 530 licenses were renewed to date. He added that most licensees have provided an updated email address, aiding in the effort to facilitate the next renewal period through email only. Mr. Finfrock also reported that the board office has answered several telephone calls regarding continuing educations hours. He stated that requests for applications for exemption of the continuing education requirement are increasing due to licensees realizing there is less time to obtain continuing education program hours. Mr. Finfrock declared that overall this renewal period is running smoother than the previous time.

Mr. Wappner inquired about requests for 50 Year Exemptions. Mr. Finfrock confirmed that those applications were requested as well.

- The board was updated on Mr. Derickson's recent meeting with Ms. Bunnie Jones of DAS concerning records retention. Mr. Derickson stated the meeting was informational and clarified the importance of records retention. He added that an invitation has been extended to Ms. Jones to speak at a future board meeting.
- Mr. Derickson reminded the board that President Jon Rettig selected Vice-President Thomas Taneff to join in collaborating with OFDA about possible future legislation concerning pre need.

Mr. Rettig shared that he and Mr. Taneff recently met with Mr. Ben Easterling, OFDA President, and Mr. John McGough, lobbyist for OFDA for an introductory meeting.

Mr. Derickson reminded all that legislation changes must be initiated from stakeholders, not the board.

- The board was updated on the development of a new website for the board. Mr. Derickson stated that the current "Board Docs" website will be discontinued and replaced with a more user-friendly version. He invited Danny Finfrock to provide the board with a status update and demonstration. Mr. Finfrock displayed a preliminary version via overhead projector and offered a few examples of new features.

Mr. Thomas Taneff suggested adding names of the board members and Governor to the heading of the main page.

Mr. Jon Rettig recommended the board meeting materials be accessible via the main page.

- Mr. Derickson introduced Ms. Christie Limbert, board counsel, to discuss the topic of naming licensed facilities. Ms. Limbert reminded all of the many debatable issues concerning naming a licensed facility and recommended the board request a formal opinion from the The Office of Ohio Attorney General. Mr. Derickson shared that legislation would be needed to change the laws regarding naming, but a formal opinion would be beneficial in determining the scope of changes.

A motion was made to request a formal opinion from the Attorney General's Office to address naming issues.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

- The board was updated on efforts of developing a standardized reporting document concerning pre need contracts during routine facility inspections. Mr. Derickson stated that he and the inspectors are close to a final product to be shared at a future board meeting.
- The board was updated on the upcoming annual meeting of "The Conference." The event is scheduled for March 2017 in Hilton Head, South Carolina.

Mr. Taneff recommended the executive director and board president to attend.

Mr. Rettig reported he was not available to attend, but inquired if others were interested. Mr. Taneff reported that he was not available to attend. The remaining four board members expressed interest in attending: Bryan Chandler, William Dodson, Jill Pugh, and William Wappner.

Mr. Rettig shared his concerns with the test material not reflecting what apprentices are learning. Mr. Chandler stated that he has many questions to ask the cohort regarding the test questions.

3. President's Report

Information: 3.01 President's Report

The board was provided the agenda items details and reviewed the following information:

- Construction of Minutes
- District Meetings Update
- Upcoming meetings
- The Conference Annual meeting
- Niekamp unemployment status

Board meeting notation: Mr. Jon Rettig commented on each topic listed in the agenda item details:

- Mr. Rettig requested the board meeting minutes to include record requests and removal of redacted names and places from compliance cases.

Mr. Thomas Taneff stated that he historically voted no on approval of minutes because he felt that they were not accurate.

Mr. Rettig stated that in the interest of being more transparent, he requested the removal of redacted information. He then questioned board counsel why the information was redacted. Ms. Christie Limbert responded that charges and subsequent settlements of compliance cases continue to be redacted, as by previous counsel, to insure anonymity of the accused and unbiased decision making from the board.

A motion was made to un-redact information following ratification of settlement or when all remedies have been satisfied.

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

- Mr. Rettig reported representing the Board by delivering a presentation to approximately 30 licensees during a District 6 Meeting on September 19, 2016 held in Toledo, Ohio.
- Mr. Rettig reported Mr. William Wappner represented the Board by delivering a presentation to approximately 32 licensees during a District 9 Meeting on September 21, 2016 held in Dayton, Ohio.
- Mr. Rettig reported Mr. Wappner represented the Board by delivering a presentation to approximately 9 licensees during a District 3 Meeting on September 22, 2016 held in Lima, Ohio.
- Mr. Rettig reported representing the Board by delivering a presentation to approximately 26 licensees during a District 11 Meeting on September 27, 2016 held in Goshen, Ohio. Mr. Tim Derickson also attended this meeting.
- Mr. Rettig reported Mr. Wappner represented the Board by delivering a presentation to approximately 57 licensees during a District 14 Meeting on September 28, 2016 held in Plain City, Ohio. Mr. Rettig, Mr. Derickson, and Mr. William Dodson also attended this meeting.
- Mr. Rettig reported representing the Board by delivering a presentation to approximately 26 licensees during a District 7 Meeting on September 29, 2016 held in Findlay, Ohio.
- Mr. Rettig reported representing the Board by delivering a presentation to approximately 55 licensees during a District 19 Meeting on October 4, 2016 held in

Geneva, Ohio.

- Mr. Rettig reported representing the Board by delivering a presentation to approximately 24 during a District 10 Meeting on October 6, 2016 held in Jackson, Ohio. Mr. Derickson also attended.
- Mr. Rettig announced that he will represent the Board during a Meeting on October 29, 2016 in Cleveland, Ohio. He will attend in place of the previous executive director of the board, whom committed to a presentation on behalf of the board.

Action: 3.02 Executive Session for Personnel Matters

Motion to enter into executive session pursuant to Ohio Revised Code section 121.22(G)(3): To confer with the board's attorney concerning a matter that is the subject of pending or imminent court action.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

Yes: Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

No: Bryan E Chandler

Board meeting notation: The board entered executive session at 1:41 p.m. The board reconvened to its regular session at 1:57 p.m.

Motion for the Board to not appeal the approval of unemployment compensation benefits for Vanessa Niekamp.

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

4. Meeting Minutes

Action, Minutes: 4.01 Consideration of the September 19, 2016 Board Meeting Minutes

The board was provided a link ("View Minutes" Icon) to view the meeting minutes in the agenda item details for review.

Motion to approve the meeting minutes as presented.

Board meeting notation: Mr. Jon Rettig recommended to amend 3.01 President's Report whereby it states, "Mr. Rettig monitored the program..." to "Mr. Rettig participated in the program schedule in place of the former executive director."

Motion by William A Dodson, second by Jill Pugh.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

5. Persons Appearing Before the Board

Action: 5.01 Nicholas T. Rine, Applicant for Reciprocal Dual License

The applicant has submitted an application for a reciprocal dual license. The applicant was asked to appear before the board to address any questions the board may have concerning information within the criminal history check.

ORC4717.061 License applicant to comply with RC Chapter 4776.

(A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section [4776.01](#) of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections [4776.01](#) to [4776.04](#) of the Revised Code. The board of embalmers and funeral directors shall not grant a license to an applicant for an initial license unless the applicant complies with sections [4776.01](#) to [4776.04](#) of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section [4717.05](#), [4717.06](#), or [4717.10](#) of the Revised Code.

Board meeting notation: Mr. Jon Rettig welcomed Mr. Nicholas T. Rine to the meeting and requested that he stand before the board. Mr. Rettig asked Mr. Rine if he had a opening statement. Mr. Rine stated that he was an Ohio native and returning to Cincinnati for an opportunity to work after many years in the State of West Virginia. Mr. Rettig asked if Mr. Rine had any troubles with the West Virginia State Board. Mr. Rine replied that he had none. There was no further discussion.

Motion to approve the application as presented and grant initial dual reciprocal license to the applicant.

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Discussion: 5.02 Roberta L. Brady

Ms. Roberta L. Brady has submitted a written request to the executive director to appear before the board.

Board meeting notation: Mr. Rettig welcomed Ms. Roberta Brady to the meeting and requested she stand before the board. Mr. Rettig asked Ms. Brady if she had an opening

statement. Ms. Brady replied that she had questions to ask the board:

1. Can a non-licensed person own a funeral home if they have an AIC (actual-in-charge)? And is that AIC responsible for the funeral home?

Mr. Rettig replied that Ohio law does allow a non-licensed person to own a funeral home. Ohio law states that the AIC is responsible for the funeral home.

Mr. William Wappner added that if a funeral home is charged with a violation of law, that AIC is responsible for those charges and subsequent fines, if any.

2. Is that defined in ORC (Ohio Revised Code) or OAC (Ohio Administrative Code)?

Mr. Rettig replied that it was ORC. He added that law trumps rule.

3. I believe that the procedure of 119 hearings are not being followed by the board.

Ms. Christie Limbert, board counsel, recommended Ms. Brady consult her attorney about her concern.

4. Pre need contracts go to whom after a funeral home closes?

Mr. Rettig replied that rule states the funeral home must provide a clearly enumerated list upon closing. Mr. Rettig questioned Mr. Eric Anderson, board inspector, if he wished to add to his response.

Mr. Anderson remarked that the AIC is responsible to provide the list along with the license at closing.

5. When an inspector conducts an audit of pre need contracts, how many are they to review?

Mr. Rettig replied, that in his experience at his funeral homes, the inspector collects ten files at random. Mr. Rettig asked Mr. Anderson if he would like to answer the question?

Mr. Anderson responded that he was not comfortable in answering the question.

6. The former executive director returned my check and application I submitted for a funeral home license, saying I had unresolved issues with the board. Why?

Mr. Rettig recommended that Ms. Brady consult her attorney about her concern.

7. Does Ohio allow for home funerals?

Mr. Rettig replied that home funerals occur in Ohio - religious groups are exempt from law. He added that people have the ability to follow their ceremonies, customs, religious rights, or religion.

Mr. Rettig asked Ms. Brady if her questions were answered? Ms. Brady replied no; but that was expected.

6. Licensure

Action: 6.01 Applications (Individuals) Recommended for License

The board was provided the agenda item details and reviewed the following information:

Initial licenses to be granted

Emb.009709 Fd.009825	Cook, Rachel	Cleves
Emb.009710 Fd.009826	Tucker IV, Theodore	Reading

Motion to approve the applications as presented and grant initial license to each applicant listed as recommended by board staff.

Motion by Bryan E Chandler, second by William A Dodson.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: There was no discussion among the board.

Information: 6.02 No Motion Items (Individuals) - Information Only

The board was provided the agenda item details and reviewed the following information:

Individuals issued Registration

Type	Name	City
Dual	Angner, Gabrielle	Cincinnati
Fd	Dickerson, Amber	Lima
Fd	Hudson, Kimberly	Garfield Hts
FD	Maher, Kate	Heath
Dual	Sadler, Claire	Akron
Dual	Severance, Mallory	Erie
Dual	Turner, Kyle	Brookville
Emb	Vinson, Henry	Cincinnati
FD	Wiseman, Timothy	Columbus

Individuals Certified as an Apprentice

Type	Name	Funeral Home	City
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Dual	Angner, Gabrielle	Neidhard-Minges FH	Cincinnati
Fd	Brooks, Alexandra	Schoedinger Grove City Chapel	Grove City
Fd	Love, Jasma	Strawbridge Memorial Chapel	Cleveland
Fd	Saba, David	Wackerly FH	Canton
Dual	Turner, Kyle	Gilbert-Fellers FH	Brookville
Dual	Vinson, Henry	Walker Funeral Home	Cincinnati
Fd	Wallace-Crockett, Amie	Slack & Wallace FH	South Point

Board meeting notation: There was no discussion among the board.

Action: 6.03 Ratification of Facility Licenses

The board was provided the agenda item details and reviewed the following information:

New Building / New Facility License:

License #	Firm Title	Location
003471	Walker Funeral Home	Mount Healthy

Change of Ownership / Existing Facility - New Facility License:

License #	Firm Title	Location
003472	Habegger Funeral Service	Toledo

Name Changes:

License #	Current Name	New Name	Location
003129	Wright-Hanneman-Habegger FHs	Wright-Hanneman Funeral Homes	Grand Rapids
003130	Wright-Hanneman-Habegger FHs	Wright-Hanneman Funeral Homes	Liberty Center
003347	DOVIN FUNERAL HOME	DOVIN FUNERAL AND CREMATION SPECIALISTS	Lorain

Motion to ratify the applications as presented and confirm each applicant listed as licensed.

Motion by William C Wappner, second by Tommy Taneff.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: There was no discussion among the board.

Information: 6.04 No Motion Items (Facilities)- Information Only

The board was provided the agenda item details and reviewed the following information:

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

License #	Firm Title	Licensee Name	Type	Location
003435	Ogle & Paul R. Young Funeral Home	JUAN C VASQUEZ	MGR	Cincinnati
000095	PROESCHEL-CRAWFORD-ZETTLER FH	THOMAS G ZETTLER	AIC	Hamilton
000101	ZETTLER FUNERAL HOME	THOMAS G ZETTLER	AIC	Hamilton
000101	ZETTLER FUNERAL HOME	THOMAS G ZETTLER	MGR	Hamilton
000161	MARK A SCHNEIDER FUNERAL HOME	PAUL E WIRICK	MGR	Galion
001240	MARK A SCHNEIDER FUNERAL HOME	CHRISTY A LINTON	MGR	Galion
002623	SKILLMAN, MCDONALD & VERNON FH	DAVID P VERNON	MGR	Mechanicsburg
003010	CHILES-LAMAN FHs	JON KINN	MGR	Bluffton
003129	Wright-Hanneman-Habegger FHs	KRAIG H HANNEMAN	MGR	Bowling Green
003130	Wright-Hanneman-Habegger FHs	KRAIG H HANNEMAN	MGR	Liberty Center

Board meeting notation: There was no discussion among the board.

7. Continuing Education

Action: 7.01 Continuing Education Programs- Recommendation to Approve

The board was provided the lists of applicants in the agenda item details for review. The documents provided may be located online at the following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AER2GK0220B8/\\$file/2016%20oct%20CE%20Programs.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AER2GK0220B8/$file/2016%20oct%20CE%20Programs.pdf)

Motion to approve the applications as presented.

Motion by Bryan E Chandler, second by William A Dodson.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: There was no discussion among the board.

Action: 7.02 Application for Exemption of the Continuing Education Requirements

The applicant has submitted an application for exemption of continuing education requirements.

50 year Exemption:

License #	Name	Date Issued
DUAL.006082	CROXTON, JOHN W	11/13/1957

Motion to approve the application as presented.

Motion by William C Wappner, second by Jill Pugh.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: There was no discussion among the board.

8. Compliance

Action: 8.01 Ratification of Settlement #1

The board was provided a copy of a redacted settlement in the agenda item details for review. The document may be located online at the following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQNL9601616/\\$file/Settlement%20agreement%20copy\(1\)_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQNL9601616/$file/Settlement%20agreement%20copy(1)_Redacted.pdf)

Motion to ratify Settlement #1 as presented.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Morrow Funeral Home of Jeffersonville, OH., license no. FH.002818, and Morrow Funeral Home of Washington Court House, OH., license no. FH.002819, concerning compliance case numbers 2016-1600122 and 2016-1600123 respectively. There was no discussion among the board.

Action: 8.02 Ratification of Settlement #2

The board was provided a copy of a redacted settlement in the agenda item details for review. The document may be located online at the following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQNL9601616/\\$file/Settlement%20agreement%20copy\(1\)_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQNL9601616/$file/Settlement%20agreement%20copy(1)_Redacted.pdf)

Motion to ratify Settlement #2 as presented.

Motion by Tommy Taneff, second by William A Dodson.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Free Funeral Home of Coshocton, OH., license no. FH.001533 and Kenneth I. Free, license no. DUAL.006503 concerning compliance case numbers 2016-1600159 and 2017-1700007 respectively. There was no discussion among the board.

Action: 8.03 Recommendation to charge case #2016-1600162

Complaint:

The funeral director actually-in-charge of and ultimately responsible for the funeral home misappropriated prepaid pre-need funeral contract funds of two individuals.

Case Synopsis:

A married couple purchased two funeral pre-arrangements for seven thousand nine hundred sixty dollars (\$7,960.00) each with the funeral home November 2012. The total cost of services added to fifteen thousand nine hundred twenty dollars (\$15,920.00). A discount was applied to one of the arrangements to satisfy the remaining balance due. The couple paid an initial payment in the amount of seven thousand six hundred dollars (\$7,600.00) with agreement to make payments until the balance of the second arrangement was paid in full. They fulfilled their obligation by making payments from January 2013 through July 2013.

The funeral director did not purchase insurance policies for each until January 2016. The funeral director contacted the married couple to apologize he had not funded their money timely and explain that their funds should have earned interest. There was negotiation between the couple and funeral director on how much interest should have accrued. All agreed that the funeral director would pay the difference directly to the couple. The couple later decided to transfer their arrangements to another funeral home.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Action: 8.04 Recommendation to charge case #2017-1700008

Complaint:

The funeral director actually-in-charge of and ultimately responsible for the funeral home failed to file a death certificate in a timely manner.

Case Synopsis:

Related to compliance case 1700009.

The decedent passed May 28, 2016 in a city of Ohio and was cremated June 9, 2016 in a city of Ohio different from where the death occurred.

Niece of decedent made several attempts on behalf of aunt to contact the funeral director to obtain a death certificate. The niece contacted numerous persons (nursing home, doctor, & county registrar where the death occurred) involved in the filing of her uncle's death certificate to learn that each had fulfilled their role in the process. The niece claims the funeral director never answered telephone calls to the funeral home, nor was available at the funeral home.

The Ohio Department of Health became involved upon a complaint submitted in July 27, 2016 by the niece. The funeral director was successfully contacted and instructed to obtain a second signature from the doctor to file the death certificate. The funeral director promised to file the death certificate by August 2, 2016 and meet the aunt for delivery.

The niece contacted the county registrar and the Ohio Department of Health again on August 8, 2016 to learn her uncle's death certificate still had not been filed.

The niece filed complaint with Office of the Ohio Attorney General. A complaint was received at the Board of Embalmers and Funeral Directors on August 16, 2016.

The funeral director filed the death September 15, 2016.

Violations:

ORC4717.14 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:

(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

and Specifically OAC-3701-5-08 Investigation of delayed filing of certificates of death and fetal death.

(A) A funeral director shall obtain a disposition permit prior to or at the time of filing a death certificate. A disposition shall not occur prior to obtaining a disposition permit. A satisfactory and complete death certificate shall be filed within five working days after the date of death.

(B) If a satisfactory and complete certificate of death or fetal death is not filed within five days after date of death or fetal death, the local registrar may investigate the matter to determine the cause of delay. After investigation, if a satisfactory and complete certificate of death is not filed with the local registrar within a reasonable period of time, the local registrar shall report the matter to the licensing agency that licenses the entity causing the delay.

Board meeting notation: Ms. Jill Pugh questioned if the funeral director cremated this body without a death certificate. Mr. Troy Seehase responded that a provisional death certificate was issued, as the original was reported to have been lost in the mail. Ms. Pugh asked if the sister was, in fact the next of kin, responsible for authorizing the cremation. Mr. Seehase replied that she was. There was no further discussion among the board.

Motion to charge the funeral director actual-in-charge with violation of ORC4717.14(A)(3), Specifically OAC3701-5-08.

Motion by Tommy Taneff, second by William C Wappner.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Action: 8.05 Recommendation to charge case #2017-1700009

Complaint:

The funeral director actually-in-charge of and ultimately responsible for the funeral home failed to file a death certificate in a timely manner.

Case Synopsis:

Related to compliance case 1700008.

The decedent passed May 28, 2016 in a city of Ohio and was cremated June 9, 2016 in a city of Ohio different from where the death occurred.

Sister of the decedent made several attempts to contact the funeral director to obtain a

death certificate. The sister contacted the county registrar where the death occurred for assistance. The sister claims the funeral director never answered telephone calls to the funeral home, nor was available at the funeral home.

A complaint was received at the Board of Embalmers and Funeral Directors on August 21, 2016.

The funeral director filed the death September 15, 2016.

Violations:

ORC4717.14 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:

(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

and Specifically OAC-3701-5-08 Investigation of delayed filing of certificates of death and fetal death.

(A) A funeral director shall obtain a disposition permit prior to or at the time of filing a death certificate. A disposition shall not occur prior to obtaining a disposition permit. A satisfactory and complete death certificate shall be filed within five working days after the date of death.

(B) If a satisfactory and complete certificate of death or fetal death is not filed within five days after date of death or fetal death, the local registrar may investigate the matter to determine the cause of delay. After investigation, if a satisfactory and complete certificate of death is not filed with the local registrar within a reasonable period of time, the local registrar shall report the matter to the licensing agency that licenses the entity causing the delay.

Board meeting notation: Mr. Jon Rettig stated this case is related to the previous and questioned the board inspectors if the public, again, may be in danger. Mr. Troy Seehase responded that the public was not in danger.

Mr. Bryan Chandler questioned if this was the same funeral director as in the previous agenda item. Mr. Seehase confirmed it was.

Mr. Thomas Taneff suggested combining the two charges into one. He rationalized that the same person was being charged with the same violation in two separate compliance cases, therefore reducing the record of charges makes it less confusing. There was no further discussion among the board.

Motion to consolidate the charge listed in agenda item 8.05 with the charge of listed in agenda item 8.04.

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Action: 8.06 Recommendation to charge case #2017-1700011

Complaint:

The funeral director actually-in-charge of and ultimately responsible for the funeral home misappropriated prepaid pre-need funeral contract funds.

Case Synopsis:

A complaint against a funeral home was received at the board office by mail on August 24, 2016. A notice was issued to the actual-in-charge of the funeral home on August 26, 2016 informing the funeral home of the complaint. This notice provided a copy of the complaint for reference and requested the funeral home submit a written response to the complaint along with copies of proof of continuing education hours for the actual-in-charge of the funeral home. The response was due by September 10, 2016.

A second notice to respond to the complaint was issued September 27, 2016. A due date of October 4, 2016 was specified. This letter included notification that failure to comply is a violation of OAC 4717-8-01. There has been no response from the funeral home to date.

The executive director of the board has recommended the Board charge the funeral director actual-in-charge and ultimately responsible for the funeral home with unprofessional conduct, specifically for failing to respond to the board's request to respond to the complaint.

Violations:

ORC4717.14 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.

OAC4717-8-01 Unprofessional conduct.

Unprofessional conduct includes, but is not limited to, the following:

(G) Failure to comply with any board request during an inspection or investigation, or finding, or order.

Board meeting notation: Mr Bryan Chandler questioned the board inspectors if any of the money was properly trusted. Mr. Troy Seehase responded that it had not been.

Mr. Jon Rettig asked Inspector Seehase if further inspection of the funeral home's pre need was needed. Mr. Seehase replied that it is needed. Mr. Rettig questioned if there were any other issues at this funeral home. Mr. Seehase responded there were not. Mr. Rettig asked if the consumers have been made whole, to date. Mr. Seehase replied they had not been.

Mr. Rettig questioned board counsel if the board can suspend this funeral home. Ms. Christie Limbert replied that the board may, if it chooses to. She added that the hearing process will likely occur regardless of charges or suspension from the board.

Motion to charge the funeral director actual-in-charge with violation of ORC4717.14(A)(4), specifically OAC4717-8-01(G).

Motion by Tommy Taneff, second by William C Wappner.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Action: 8.07 Ratification of Closed Compliance Cases

FUN IPP003 - Investigative Process

The Executive Director, the Compliance Coordinator, and the Inspector may determine there is no probable cause identified in a written complaint; the Executive Director may close the case. A letter setting forth the reason for closure prior to presentation to the Board will be sent to the complainant and reported to the Board. Staff may consult with the Assistant Attorney General.

Case number 2017-1700010

Case number 2017-1700013

Case number 2017-1700019

Motion to ratify the closed compliance cases as presented.

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: There was no discussion among the board.

Action: 8.08 Dismiss case #2016-1600098

On April 26, 2016, the board charged Day & Manofsky Funeral Service (FH.003340), case no. 2016-1600098 with a violation of 4717.14(A)(4). Specifically the licensee failed to file an annual preneed report, which is required to be filed no later than the thirtieth (30th) day of March.

The board office staff respectfully requests the board dismiss this case.

Motion to dismiss case #2016-1600098.

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: There was no discussion among the board.

Information: 8.09 Pending Investigations

The board was provided the agenda item details and reviewed the following information:

Active

Inspector Pending Request
Investigations for Hearing

2016-1600155 2016-1600056

2016-1600157 2016-1600076

2017-1700003 2016-1600152

2017-1700005 2016-1600160

2017-1700011 2016-1600161

2017-1700014

2017-1700015

2017-1700016

2017-1700017

2017-1700018

2017-1700020

2017-1700021

2017-1700022

Board meeting notation: There was no discussion among the board.

Information: 8.10 Attorney General Case Status Update

Privileged and Confidential - Attorney and Client Communication and Work Product

Board meeting notation: Ms. Christie Limbert, board counsel, stated that she was in consultation with Katherine Bockbrader to reduce the list of compliance cases.

9. Board Operations

Information: 9.01 Inspections

The board was provided a copy of "Inspection Summary September 2016" in the agenda item details for review. The document may be located online at the following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQQ22671A83/\\$file/Inspection%20Summary-%20All%20Inspectors-%20Sept.%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQQ22671A83/$file/Inspection%20Summary-%20All%20Inspectors-%20Sept.%202016.pdf)

The board was provided a copy of "Inspection Monthly Report- All Inspectors- September 2016" in the agenda item details for review. The document may be located online at the following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQPUQ66580B/\\$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Sept.%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AEQPUQ66580B/$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Sept.%202016.pdf)

Board meeting notation: There was no discussion among the board.

Information: 9.02 Budget Overview

Vouchers from September 2016

Voucher ID	Voucher Name	Accounting Date	Account	Voucher Distribution Amount
00002616	DEPARTMENT OF ADMINISTRATIVE SERVICES	09-07-2016	527751	\$2,273.54
00002618	ETHICS COMMISSION	09-07-2016	527751	\$180.00
00002619	DEPARTMENT OF ADMINISTRATIVE SERVICES	09-07-2016	527751	\$68.00
00002619	DEPARTMENT OF ADMINISTRATIVE SERVICES	09-07-2016	527751	\$1,420.00
00002620	DEPARTMENT OF ADMINISTRATIVE SERVICES	09-07-2016	527751	\$724.00
00002621	VERIZON WIRELESS	09-07-2016	524067	\$333.49
00002622	UNITED PARCEL SERVICE	09-07-2016	524053	\$1.80
00002623	SUNSET ENTPRISES LLC	09-07-2016	521088	\$26.88
00002624	QUALITY RUBBER STAMP INC	09-07-2016	521050	\$89.00
00002625	QUALITY RUBBER STAMP INC	09-07-2016	521050	\$50.00
00002626	PHARMACY BOARD	09-08-2016	527751	\$3,778.71
00002627	GREENE INC	09-08-2016	526052	\$30.00
00002628	CINCINNATI BELL ANY DISTANCE INC	09-20-2016	524067	\$73.48
00002629	ALERE TOXICOLOGY SERVICES INC	09-20-2016	521061	\$33.00
00002630	VERIZON WIRELESS	09-20-2016	524067	\$333.47
00002631	ZASHIN & RICH CO LPA	09-27-2016	510053	\$717.50

Board meeting notation: There was no discussion among the board.

10. Adjournment

Action: 10.01 Adjourn the Meeting

Motion to adjourn the meeting.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

Yes: Bryan E Chandler, Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: The October 17, 2016 Meeting of the Board adjourned at 2:43 p.m.