

Regular Meeting (Monday, November 21, 2016)

Generated by Jarrod Williams on Wednesday, November 23, 2016

Members present

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

Meeting called to order at 1:00PM**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: Amanda Jones, Meriah Kirk, Miranda Mackey, Robert Shawn Reid, Elizabeth (Dunn) Rosenbalm, Christie Stephens, Charlotte A. Workman, and Wallace Fred Workman.

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 documents may be located online at the following links: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFSQ776509FB/\\$file/Executive%20Director%20report%20November.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFSQ776509FB/$file/Executive%20Director%20report%20November.pdf) and <http://www.boarddocs.com>

[/oh/boefd/Board.nsf/files/AFSQ2F63FCF0/\\$file/Board%20Committee%20on%20JCARR%20Rules%20Review%20Mtg.%20%202010-17-2016.pdf](/oh/boefd/Board.nsf/files/AFSQ2F63FCF0/$file/Board%20Committee%20on%20JCARR%20Rules%20Review%20Mtg.%20%202010-17-2016.pdf)

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

Mr. Derickson invited Mr. William Wappner to provide an update of the Board Committee on JCARR Rules Review meeting held October 17, 2016. Mr. Wappner addressed the board.

Mr. Derickson reminded all of the meeting date for the annual Crematory Review Board scheduled for December 8, 2016 at 3:00 p.m.

Mr. Derickson reminded all of the dates for the annual meeting of "The Conference" scheduled for March 1 through 2 located at Hilton Head, South Carolina.

Mr. Derickson invited Mr. Danny Finfrock, board office staff, to provide an update on the board's new website. Mr. Finfrock addressed the board.

Mr. Derickson invited Mr. Finfrock to provide an update on the current license renewal. Mr. Finfrock stated that approximately 1,141 licenses have been renewed to date. He added that most licensees have been cooperative in providing an email address. Mr. Wappner shared that he met a licensee of eighty-five years of age at a recent district meeting. This licensee told Mr. Wappner that he does not have an email address and likely will never have one.

Mr. Derickson deferred discussion on continuing education approvals to the President's Report.

Mr. Derickson reported that he and the inspectors are working together to create a standardized reporting mechanism concerning funeral home inspections. He stated that this may assist in proving the need for additional inspectors.

Mr. Derickson reported that the board office participated in an e-Licensing Lean Ohio program in early November. The final report on the program has yet been produced, but he will share when available. The program's goal was to identify inefficiencies in processes and develop improvements to reduce time and costs associated.

Mr. Derickson introduced Ms. Bunnie Jones, Administrative Officer at Department of Administrative Services (DAS). Mr. Derickson invited Ms. Jones to speak about the State of Ohio's policies on records retention.

Ms. Jones provided a brief summary of her employment history with state and thanked the board for the opportunity to speak. She offered copies of a handout describing DAS records retention and summarized the documents.

Mr. Thomas Taneff shared his concern about the board's history of records retention. He reminded all of an email exchange discrepancy between the former executive director

and a Columbus Dispatch reporter.

Ms. Jones stated that DAS has recently reviewed and rewrote many records retention policies found within the general schedule and a final version is soon to be released.

She suggested seeking advice from the Office of Information Technology (OIT) about emails specifically, if there is immediate concern. Ms. Jones went on to say that email is just the transportation of information and it is the responsibility of the individual to decide the value (permanent, transient, or immediate) of the information for keeping.

Any decision to keep an email should depend on the definition of a record - there is cost to store information electronically, just as a paper version.

Ms. Jones stated that the board ultimately determines a policy to follow: general schedule or board specific. She added that there is cost and risk associated with keeping records, so a balance of value to cost should be considered when applying policy.

Ms. Jones suggested the board look to other state agencies policies for guidance. She recommended agencies such as Ohio Jobs & Family Services, Ohio Dental Board, and Ohio Pharmacy Board.

Mr. Derickson invited Mr. Jarrod Williams, board office staff, and Mr. Eric Anderson, board inspector, to provide a presentation on the board office complaint process. Mr. Williams and Mr. Anderson offered brief summaries of their responsibilities in the complaint process with opportunity for questions and answers.

3. President's Report

Discussion, Information: 3.01 President's Report

- Board Presentation Updates
- Policy Manual
- Formal Opinion from Office of the Ohio Attorney General
- CEU Committee discussion

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

- Mr. Rettig reported representing the Board by delivering a presentation to approximately 20 licensees during a meeting on October 29, 2016 held in Cleveland, Ohio.
- Mr. Rettig reported Mr. Wappner represented the Board by delivering a presentation to approximately 20 licensees during a District 12 Meeting on November 3, 2016 held in Cadiz, Ohio. Mr. Derickson also attended this meeting.
- Mr. Rettig reported Mr. Wappner represented the Board by delivering a

presentation to approximately 31 licensees during a District 2 Meeting on November 9, 2016 held in Mansfield, Ohio. Mr. Derickson also attended this meeting.

- Mr. Rettig reported representing the Board by delivering a presentation to approximately 60 licensees during a District 15 Meeting on November 10, 2016 held in Niles, Ohio. Mr. Derickson also attended this meeting.
- Mr. Rettig reported representing the Board by delivering a presentation to approximately 25 licensees during a District 7 Meeting on November 16, 2016 held in Middletown, Ohio. Mr. Derickson also attended this meeting.
- Mr. Rettig reported representing the Board by delivering a presentation to approximately 86 licensees during Districts 8 and 16 Meeting on November 17, 2016 held in Canton, Ohio.
- Mr. Rettig reported his request to the board office to remove the manual known as "Conducting Board Business" from the board's website policies section until further notice. He stated that the executive director, board counsel, and board staff are reviewing the documents to identify needed corrections.
- Mr. Rettig reported the board's request to the Office of the Attorney General for a formal written opinion on funeral home naming issues has been accepted. The timeframe for a response is unknown.
- Mr. Rettig announced the formation of a new board committee. Mr. Bryan Chandler will chair a continuing education committee that includes Mr. William Dodson, Jr. and Mr. Jon Rettig. The committee will meet as needed to review continuing education applications to the board.

Mr. Rettig stated that he and Mr. Derickson visited Cincinnati College of Mortuary Science while on travel to the District 7 Meeting in Middletown. They met with Mr. Jack Lechner, Jr., president of the college to discuss the topic of continuing education and how to improve programs offered in Ohio.

- Mr. Rettig requested the board members schedule future apprentice interview availability. The following commitments were made:

January 2017 - William Wappner

February 2017 - Bryan Chandler

March 2017 - Jill Pugh

April 2017 - Jon Rettig

May 2017 - Jill Pugh

June 2017 - William Wappner

- Mr. Rettig requested board counsel to review and advise the board on the requirements of funeral homes to submit a clearly enumerated list of pre-need contracts upon closure of a facility during December's board meeting.

- Mr. Rettig announced the recent passing of former board member Mr. Ross DeJohn and invited all to join him in a moment of silence in memory of Mr. DeJohn. He recommended the board draft a letter of condolence to the DeJohn family. He asked the board for a motion.

A motion by Bryan Chandler, seconded by Thomas Taneff, was made for the Board to draft a letter of condolence to the DeJohn family. Motion carries. Unanimous vote of Yea.

4. Meeting Minutes

Action, Minutes: 4.01 Consideration of the October 17, 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.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

5. Persons Appearing Before the Board

Information: 5.01 Bunnie Jones, Administrative Officer at Department of Administrative Services

Board meeting notation: Ms. Bunnie Jones appeared before the board during the executive director's report.

Action: 5.02 Ashley E. Baker, Applicant for DUAL Reciprocal 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 Ms. Ashley Baker to the meeting and requested she stand before the board. Mr. Rettig asked if Ms. Baker had an opening statement.

Ms. Baker stated that she was originally from Kentucky and seeking a reciprocal license to begin work in Ohio. Mr. Bryan Chandler asked if Ms. Baker had any issues with the Kentucky State Board. Ms. Baker replied that she had none.

Mr. William Wappner asked if she met all qualifications to be licensed in Ohio. Ms. Baker replied that she does meet the qualifications. 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 Jill Pugh

Final Resolution: Motion Carries

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

Action: 5.03 David T. Phillips, Request to serve as master funeral director for multiple apprentices

Mr. David T. Phillips of Phillips Funeral Home of Ironton, Ohio respectfully petitions the board to serve as master funeral director for three apprentices.

OAC4717-5-03 Apprenticeship.

(A) A master embalmer or master funeral director shall certify to the board only one apprenticeship at one time for each license, except under extenuating circumstances and with prior written permission from the board.

The board was provided a copy of the written request in the agenda items details for review. The document may be located online at the following link: [https://www.boarddocs.com/oh/boefd/Board.nsf/files/AFRNYF5C79EB/\\$file/Request%20from%20Phillips%20Funeral%20Home.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/AFRNYF5C79EB/$file/Request%20from%20Phillips%20Funeral%20Home.pdf)

Board meeting notation: Mr. Jon Rettig welcomed Mr. David Phillips to the meeting and requested he stand before the board. Mr. Rettig asked if Mr. Phillips had an opening statement.

Mr. Phillips stated he was requesting permission to serve as master for three apprentices. He stated that he is currently serving Robert Reid, and his daughter, Katherine Phillips, with their funeral directing apprenticeships and wished to add his son, Michael, a recent graduate of Cincinnati College of Mortuary Science (CCMS), for a dual apprenticeship training.

Mr. Phillips stated that his firm is located in Ironton, Ohio and has need for licensed funeral directors; as recruitment for qualified applicants in the area is difficult. His funeral home serves approximately 350 families annually.

Mr. William Wappner asked Mr. Phillips if he were the only licensed funeral director at his funeral home. Mr. Phillips replied that he was.

Mr. Rettig declared that the board was to set precedent if Mr. Phillips' request was approved.

Mr. Phillips stated that he received a letter from CCMS informing that his son has graduated prior to passing his national board examinations and was eligible to apply to the state board for apprenticeship. Mrs. Linda Clark, board office staff, confirmed that CCMS recently changed the rule as Mr. Phillips shared. She stated that Mr. Phillips' son may serve an apprenticeship, but must pass all examinations prior to applying for his initial license.

Mr. Rettig stated to Mr. Phillips that the board will be monitoring the apprenticeship reports related to all his apprentices.

Mr. Wappner shared that recruitment for qualified personnel in Mansfield is difficult as in Ironton. There was no further discussion.

Motion to approve the request as presented and grant permission to serve as master funeral director for multiple apprentices.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

Mr. Rettig recommended the board adopt a board policy to require future individuals requesting to serve as master funeral director for more than one apprentice at a time to appear before the board. He asked the board for a motion.

Motion to adopt a board policy to require future individuals requesting to serve as master funeral director for more than one apprentice at a time to appear before the board.

Motion by William C Wappner, second by Tommy Taneff.

Final Resolution: Motion Carries

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

6. Continuing Education

Action: 6.01 Recommendation to Deny Continuing Education Application.

Recommendation to deny the attached continuing education application for 9 hours by Lawson Monument Company in Huntington West Virginia. Licensee provided an individual continuing education application for 9 hours, certificate of completion and an outline of the program, for an out of state post approval. The out of state provider could not provide written proof that the licensee attended the full 9 hours. The CE provider also could not provide copies of the documents that were sent by the licensee. When the provider was asked by board staff to provide an outline of the 9 hour program the provider said they do not produce outlines for their programs. The outline for the the 9 hour program which was provided by the licensee shows a schedule from 8am to 5:30 pm. The sponsor / provider of the program is only open from 7am to 3:30 am

The board was provided a copy of the application and certificates of completion in the agenda item details for review. The documents may be located online at the following links: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFDQQW5CDA89/\\$file/ceu1.jpg](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFDQQW5CDA89/$file/ceu1.jpg), [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFDQR65CDE54/\\$file/ceu2.jpg](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFDQR65CDE54/$file/ceu2.jpg), and [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFDQR25CDCDC/\\$file/ceu3.jpg](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFDQR25CDCDC/$file/ceu3.jpg)

Board meeting notation: Mr. Danny Finfrock, board office staff, provided a summary of his review of this application and recommended the board deny the continuing education application as presented.

Mr. William Wappner asked Mr. Finfrock if the certificate was produced by the program provider. Mr. Finfrock replied that the licensee produced the certificate.

Mrs. Jill Pugh asked Mr. Finfrock if he thought the certificate was forged. Mr. Finfrock restated the licensee produced the certificate.

Mr. Thomas Taneff asked if there was a fee charged for attending the program. Mr. Finfrock replied there was no fee.

Mr. Bryan Chandler asked if the program occurred at all. Mr. Finfrock replied that he could not confirm.

Mrs. Pugh asked if it were common for programs to offer 9 hours of continuing education for free. Mr. Finfrock replied it was not.

Mr. Jon Rettig reminded all that this was a post approval application for an out-of-state program.

Mrs. Pugh asked if the State of West Virginia approved this program. Mr. Finfrock replied that he did not inquire with the West Virginia State Board.

Mr. Chandler stated that casket company tours typically provide only 1 hour of continuing education credit, not 9. There was no further discussion.

Recommendation to Deny

Motion by William C Wappner, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Discussion: 6.02 Applications - Continuing Education

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/AFDQR25CDCDC/\\$file/ceu3.jpg](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFDQR25CDCDC/$file/ceu3.jpg)

Board meeting notation: Mr. Eric Anderson, board inspector, asked Mr. Danny Finfrock if all the programs listed were open to all licensees. Mr. Finfrock replied that they were.

There was discussion among the board about adding or reducing the minimum number of hours to the continuing education requirement. There was also discussion on adding or reducing the minimum number of online hours within the requirement.

Motion to approve.

Motion by Bryan Chandler, seconded by Jon Rettig.

Final Resolution: Motion carries.

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

Action: 6.03 Exemptions to be approved

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

50 year Exemption:

License #	Name	Date Issued
DUAL 005660	AUXTER, WALTER E	01.08.2016
DUAL 006459	JOHN T LAFFERTY	06.03.1964

The applicant has submitted an application for a waiver of the continuing education requirements.

Waiver (Medical): (Good for only two years)

License #	Name
DUAL 006619	HALLER, BENNEY L
DUAL 007078	SMITH, THOMAS J

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

Recommendation to approve

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

7. Licensure

Action: 7.01 Gilmer F. Anderson - Request for inactive status of license

Mr. Gilmer F. Anderson respectfully petitions the board to place license no.DUAL.007045 on inactive status.

ORC4717.05 License qualifications.

(F) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director or embalmer may not place the funeral director's or embalmer's license on inactive status unless the funeral director or embalmer is in good standing with the board and is in compliance with applicable continuing education requirements. A funeral director or embalmer who is granted inactive status is prohibited from participating in any activity for which a funeral director's or embalmer's license is required in this state. A funeral director or embalmer who has been granted inactive status is exempt from the continuing education requirements under section [4717.09](#) of the Revised Code during the period of the inactive status.

(G) A funeral director or embalmer who has been granted inactive status may not return to active status for at least two years following the date that the inactive status was granted. Following a period of at least two years of inactive status, the funeral director or embalmer may apply to return to active status upon completion of all of the following conditions:

- (1) The funeral director or embalmer files with the board a form prescribed by the board seeking active status and provides any other information as the board may request;
- (2) The funeral director or embalmer takes and passes the Ohio laws examination for each license being activated;
- (3) The funeral director or embalmer pays a reactivation fee to the board in the amount of one hundred forty five dollars for each license being reactivated.

The board was provided a copy of the request 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/AFRM9658393A/\\$file/Request%20from%20Gilmer%20F.%20Anderson_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFRM9658393A/$file/Request%20from%20Gilmer%20F.%20Anderson_Redacted.pdf)

Board meeting notation: Mr. Bryan Chandler asked if Mr. Anderson was an actual-in-charge of any facility. Mrs. Linda Clark responded that he was not. There was no further discussion.

Motion to approve the request as presented and grant inactive status.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Action: 7.02 Linda M. Brammer - Request for inactive status of license

Ms. Linda M. Brammer respectfully petitions the board to place license no.FD.006231 on inactive status.

ORC4717.05 License qualifications.

(F) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director or embalmer may not place the funeral director's or embalmer's license on inactive status unless the funeral director or embalmer is in good standing with the board and is in compliance with applicable continuing education requirements. A funeral director or embalmer who is granted inactive status is prohibited from participating in any activity for

which a funeral director's or embalmer's license is required in this state. A funeral director or embalmer who has been granted inactive status is exempt from the continuing education requirements under section [4717.09](#) of the Revised Code during the period of the inactive status.

(G) A funeral director or embalmer who has been granted inactive status may not return to active status for at least two years following the date that the inactive status was granted. Following a period of at least two years of inactive status, the funeral director or embalmer may apply to return to active status upon completion of all of the following conditions:

- (1) The funeral director or embalmer files with the board a form prescribed by the board seeking active status and provides any other information as the board may request;
- (2) The funeral director or embalmer takes and passes the Ohio laws examination for each license being activated;
- (3) The funeral director or embalmer pays a reactivation fee to the board in the amount of one hundred forty five dollars for each license being reactivated.

The board was provided a copy of the request in the agenda item details for review. The document may be located online at the following link: [https://www.boarddocs.com/oh/boefd/Board.nsf/files/AFRQMA68BEDC/\\$file/Request%20from%20Linda%20M.%20Brammer_Redacted.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/AFRQMA68BEDC/$file/Request%20from%20Linda%20M.%20Brammer_Redacted.pdf)

Board meeting notation: Mr. Bryan Chandler asked if Ms. Brammer was an actual-in-charge of any facility. Mrs. Linda Clark responded that she was not. There was no further discussion.

Motion to approve the request as presented and grant inactive status.

Motion by Bryan E Chandler, second by William Wappner.

Final Resolution: Motion Carries

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

Action: 7.03 Applications (Individuals) Recommended for License

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

Initial licenses to be granted in Nov.

Emb.009711 Fd.009828	McGill, Bailey A.	Urbana
Emb.009712 Fd.009829	Miller, Allison M.	Hillsboro
Fd.009830	Pierson, Sarah E.	Lambertville, Mi
Emb.009713 Fd.009831	Straughn, Lynay	Cincinnati

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

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

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

Information: 7.04 No Motion Items (Individuals) - Information Only

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

Individuals issued Registration in Oct.

Type	Name	City
Dual	Crofoot, Cameron	New Carlisle
Fd	Phillips, Katherine	Ironton
Fd	Smith, Angela	Freeport
Dual	Vargo, T. Anthony	Hubbard
Dual	Watkins, Jamie	Toledo

Individuals Certified as an Apprentice in Oct

Type	Name	Funeral Home	City
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Fd	Maher, Kate	Henderson-Van Atta FH	Newark
Dual	Martin, Ranee	Reeb Funeral Home	Sylvania
Fd	Shaw, Amy	Shaw-Davis Funeral Home	Columbus
Fd	Smith, Angela	Koch Funeral Home	Freeport

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

Action: 7.05 Ratification of Facility Licenses

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

Change of Ownership / Existing Facility - New Facility License:

License #	Firm Title	Location
003475	Arbaugh-Pearce-Greenisen & Sons FH	Salem
003476	Mark A. Schneider - Gompf Funeral Home LTD	CRESTLINE
003477	Mark A. Schneider - Gompf Funeral Home LTD	GALION
003478	Ross-Frash Funeral Home	CROOKSVILLE
003479	Ross-Frash Funeral Home	ROSEVILLE

New Building / New Facility - License:

License #	Firm Title	Location
003473	Keith A. Young Funeral Service	Springfield
003474	Eric J. Williams Funeral Homes	Garfield Heights

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

Motion to ratify the applications as presented.

Motion by Bryan E Chandler, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Information: 7.06 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
001533	FREE FUNERAL HOME	ALEXANDER, JAMES A	AIC	COSHOCTON
000256	H M MARTIN FUNERAL SERVICE INC	MARTIN, HERRICK M	AIC	CLEVELAND
000256	H M MARTIN FUNERAL SERVICE INC	MARTIN, HERRICK M	MGR	CLEVELAND
001051	JOHNSON-ROMITO FUNERAL HOMES	MCCREERY, KATHERINE E	MGR	NORTHFIELD
002412	MCCOLAUGH FUNERAL HOME	CARR MASSIE, MARY R	MGR	XENIA
002848	NEWCOMER FH	Duckworth, Melanie L	MGR	BEAVERCREEK
002418	NEWCOMER FH	MOORE, BETHANY K	MGR	KETTERING
002506	SCHNEIDER-GRIFFIN FUNERAL HOME	HALL, ERNEST B III	AIC	CHESAPEAKE
002506	SCHNEIDER-GRIFFIN FUNERAL HOME	HALL, ERNEST B III	MGR	CHESAPEAKE
000404	SCHOEDINGER EAST CHAPEL	KOPP, BRADLEY T	MGR	COLUMBUS
000405	SCHOEDINGER GROVE CITY CHAPEL	GILLESPIE, JAMES P II	MGR	GROVE CITY
002347	SCHOEDINGER- MARGARUM	MCADAMS, TRACY L	MGR	GAHANNA
000403	SCHOEDINGER NORTHWEST CHAPEL	LEWIS, NIKKI L	MGR	COLUMBUS
000402	SCHOEDINGER STATE STREET CHAPEL	GARLAND, MARK E	MGR	Columbus
002991	Snyder Funeral Home	SNYDER, HANNAH E	MGR	MANSFIELD
000539	T P WHITE & SONS CO	CROXTON, JOHN W II	AIC	CINCINNATI
000539	T P WHITE & SONS CO	CROXTON, JOHN W II	MGR	CINCINNATI

002710	VORHIS & RYAN FUNERAL HOME	THOMPSON, CATHERINE R	MGR	CINCINNATI
002711	VORHIS & RYAN FUNERAL HOME	RANKIN, LLOYD E	MGR	SPRINGDALE
003306	WILSON FUNERAL HOME	FIUTEM, JERALD J	MGR	BRIDGEPORT
003307	WILSON FUNERAL HOME	FIUTEM, JERALD J	MGR	DILLONVALE
003308	WILSON FUNERAL HOME	FIUTEM, JERALD J	MGR	MINGO JUNCTION
003309	WILSON FUNERAL HOME	FIUTEM, JERALD J	MGR	TILTONSVILLE
003129	Wright-Hanneman	HANNEMAN, KRAIG H	MGR	Grand Rapids
003130	Wright-Hanneman Funeral Homes	HANNEMAN, KRAIG H	MGR	LIBERTY CENTER

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

8. Compliance

The meeting agenda does not disclose personal identifying information concerning compliance cases. Matters are referred to only by case number. Personal identifying information is later added during writing of the minutes based on the correlating case number.

In the interest of transparency, the board approved a motion at its October 17, 2016 Board Meeting to un-redact information such as names and places included in compliance cases following ratification of settlement or when all remedies have been satisfied.

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/AFHU6A760BDE/\\$file/settlement%20agreement%20%231_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFHU6A760BDE/$file/settlement%20agreement%20%231_Redacted.pdf)

Board meeting notation: Mr. William Wappner asked if the families received remedy from the funeral home. Ms. Christie Limbert, board counsel, responded that she was

uncertain of any remedy from the funeral home or award through civil suit.

Motion to ratify settlement #1 as presented.

Motion by Jon Rettig, second by Jill Pugh.

Final Resolution: Motion Carries

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

Post-meeting unredacted information: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Monique L. Smoot, license number FD.008886, and Smoot Funeral Services, license number FH.003445, of Columbus, Ohio concerning compliance case numbers 2016-1600039 and 2016-1600058.

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/AFHU6E761389/\\$file/settlement%20agreement%20%232_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFHU6E761389/$file/settlement%20agreement%20%232_Redacted.pdf)

Board meeting notation: Mr. Bryan Chandler asked if this was a first offense by the funeral home. Mr. Jon Rettig responded that it was.

Motion to ratify settlement #2 as presented.

Motion by Bryan E Chandler, second by William C Wappner.

Final Resolution: Motion Carries

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

Post-meeting unredacted information: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Pernel Jones & Sons Funeral Home, license number FH.002251, of Cleveland, Ohio concerning compliance case number 2016-1600129.

Action: 8.03 Ratification of settlement #3

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/AFHU6G761BD8/\\$file/settlement%20agreement%20%233_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFHU6G761BD8/$file/settlement%20agreement%20%233_Redacted.pdf)

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

Motion to ratify settlement #3 as presented.

Motion by Jill Pugh, second by William C Wappner.

Final Resolution: Motion Carries

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

Post-meeting unredacted information: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Triplett Funeral Home, license number FH.003186, of Columbus, Ohio concerning compliance case number 2016-1600142.

Action: 8.04 Recommendation to charge case #2017-1700018

Complaint:

Complainant alleges the funeral director will not communicate with the consumer. The consumer is attempting to transfer pre-arrangements to another funeral home.

Case synopsis:

A complaint against a funeral home was received at the board office on September 26, 2016. A notice was issued to the actual-in-charge of the funeral home on September 27, 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 October 11, 2016.

The board office has received multiple complaints since August 2016 concerning this funeral home and funeral director. The funeral director actual-in-charge has been contacted by their board inspector about these complaints. The actual-in-charge contacted the board office by telephone on November 9, 2016 to request copies of the compliance case file folders concerning the funeral home and requested confirmation of which complaints the board office received a response to. The board office provided copies and confirmations as requested, by email correspondence.

A response to this complaint from the funeral home was received at the board office by email on November 14, 2016. The funeral director actual-in-charge reported that the complainant's pre-arrangements and pre-need contract were transferred by mail approximately two weeks after their request. The actual-in-charge confirmed ceasing to respond to the consumer after a third call from the consumer occurred.

In the response closing, the actual-in-charge accused a competitor for the complaints to the state board.

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: Ms. Jill Pugh asked Mr. Troy Seehase, board inspector, if the pre-need contract has been transferred. Mr. Seehase replied that it had been transferred.

Mr. Jon Rettig asked if these complaints were submitted by the same person. Mr. Seehase responded that there were multiple complaints from four individuals.

Mr. Bryan Chandler asked Mr. Seehase if this consumer's funds were missing. Mr. Seehase replied no they were not, but there are more issues with this funeral home.

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

Motion by Jon Rettig, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

Post-meeting unredacted information: The board charged Terry J. Adkins (DUAL.009082) of Adkins-Brant Funeral Home of Portsmouth, Ohio.

Action: 8.05 Recommendation to charge case #2017-1700022

Complaint:

Complainant alleges funeral home employees have conducted unlicensed funeral directing.

Case synopsis:

The complainant detailed eyewitness accounts of two unlicensed funeral home employees performing duties of a licensed funeral director such as making funeral arrangements with families and signing a licensed funeral director's name to death certificates.

The complainant was an apprentice of the funeral home at the time these events occurred. The apprentice questioned each of the unlicensed employees, one of which was the office manager, about their unlicensed practice. The apprentice alleged the office manager reduced their working hours as a result of the inquiry. The apprentice reported their observations and apparent punishment to the funeral director actual-in-charge only to discover they were indifferent to the circumstances. The apprentice has since terminated the apprenticeship with the funeral home.

The funeral director actual-in-charge responded to the complaint by first praising the apprentice's work and wishing them well in their future. The actual-in-charge confirmed

providing "Power of Attorney" consent to the [unlicensed] office manager to sign death certificates on their behalf when not available.

The funeral director actual-in-charge also confirmed an unlicensed employee met with a family (a family friend in the hospital) to select a casket and flowers. A staff meeting was later called to address that the employees must never allow it to happen again.

In the response closing, the actual-in-charge opined their sadness of the events and alluded that age was a factor in their lapse of oversight of the funeral home operations.

Violation:

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:

(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision.

Board meeting notation: Mr. Jon Rettig asked Mr. Eric Anderson, board inspector, if he witnessed any of the complainant's claims. Mr. Anderson replied that he had not, but stated the apprentice is willing to testify, if needed. There was no further discussion.

Motion to charge the funeral director with violation of ORC4717.14(A)(5).

Motion by Bryan E Chandler, second by Jill Pugh.

Final Resolution: Motion Carries

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

Post-meeting unredacted information: The board charged Arthur L. Rogers (DUAL.007135) of Arthur L. Rogers Funeral Services of Cleveland, Ohio.

Action: 8.06 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 2017-1700003

Case number 2017-1700020

Case number 2017-1700021

Board meeting notation: Mr. Jon Rettig asked if all the cases listed were okay to close. Mr. Tim Derickson responded that they were. There was no further discussion.

Motion to ratify the closed compliance cases as presented.

Motion by Jill Pugh, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Post-meeting unredacted information: The board closed compliance case number 2017-1700003 concerning Monique L. Smoot, license number FD.008886, of Columbus, Ohio; case number 2017-1700020 concerning Ansberg-West Funeral Home, license number FH.003315, of Toledo, Ohio; and case number 2017-1700021 concerning Ansberg-West Funeral Home, license number FH.003315, of Toledo, Ohio.

Action: 8.07 Rescission of charges with reissue of audit form

Licensees are subject to an annual audit of their continuing education hours. The following licensees were randomly selected to respond to the 2015 Continuing Education Audit:

1. Daniel B. Cawley (FD.008548), case number 2016-1600018
2. Robert Berteau (DUAL.008789), case number 2016-1600019
3. Rodney R. Galloway (DUAL.008383), case number 2016-1600021
4. Joseph N. Koker (DUAL.007756), case number 2016-1600024

These individuals failed to respond to the board's request for completion of the continuing education audit form, thus initiating the board office to open a compliance case with each. The individuals were charged at the August 17, 2015 Board Meeting with renewing their licenses without meeting the continuing education requirements and failing to respond to the audit.

OAC4717-9-01 Continuing education requirements.

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

(1) Licensees, chosen randomly, shall submit to the board by the date specified by the board, copies of certificates of completion, records and documentation of proof of completion of the continuing education activities used to meet the continuing education requirements of this rule.

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

Upon recommendation from board counsel, the board office respectfully requests the Board to rescind the charges and subsequent notices of violation with opportunity for a

hearing issued, and reissue the continuing education audit form to the licensee.

The board was provided a copy of the "Request for Representation" to board counsel for each compliance case in the agenda item details for review. The documents may be located online at the following links: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTS2K6FF989/\\$file/copy%20of%20Req.%20for%20Rep.%202016-1600018.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTS2K6FF989/$file/copy%20of%20Req.%20for%20Rep.%202016-1600018.pdf), [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTS3970058D/\\$file/Req.%20for%20Rep.%202016-1600019.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTS3970058D/$file/Req.%20for%20Rep.%202016-1600019.pdf), [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTRZV6FE88A/\\$file/copy%20of%20Req.%20for%20Rep.%202016-1600021.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTRZV6FE88A/$file/copy%20of%20Req.%20for%20Rep.%202016-1600021.pdf), and [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTRZD6FD584/\\$file/copy%20of%20Req.%20for%20Rep.%202016-1600024.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFTRZD6FD584/$file/copy%20of%20Req.%20for%20Rep.%202016-1600024.pdf)

Motion to rescind Notice of Opportunity for Hearing and all charges in case number 2016-1600018, and to instruct the Executive Director to prepare amended charges.

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

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Motion to rescind Notice of Opportunity of Hearing and all charges in case number 2016-1600019, and to instruct the Executive Director to prepare amended charges.

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

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

Motion to rescind Notice of Opportunity for Hearing and all charges in case number 2016-1600021, and to instruct the Executive Director to issue a new Continuing Education audit to the licensee.

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

Motion by Tommy Taneff, second by Bryan E Chandler.

Final Resolution: Motion Carries

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

Motion to rescind Notice of Opportunity for Hearing and all charges in case number 2016-1600024, and to instruct the Executive Director to issue a new Continuing Education audit to the licensee.

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

Motion by Tommy Taneff, second by Jon Rettig.

Final Resolution: Motion Carries

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

Information: 8.08 Pending Investigations

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

Active Inspector Investigations	Pending Request for Hearing	Pending Hearing
2016-1600155	2016-1600160	2016-1600022
2016-1600157	2016-1600161	2016-1600056
2017-1700005		2016-1600076
2017-1700014		2016-1600152
2017-1700015		2017-1700008
2017-1700016		2017-1700009
2017-1700017		2017-1700011
2017-1700018		
2017-1700022		
2017-1700023		
2017-1700024		
2017-1700025		
2017-1700026		
2017-1700027		
2017-1700028		

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

Information: 8.09 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 an email was sent to each board member concerning her case status update. She requested that board members contact her if they have not received the email. Ms. Limbert added that board members may anticipate receiving similiar emails from her approximately on the tenth of each month.

9. Board Operations

Information: 9.01 Inspections

The board was provided a copy of "Inspection Summary October 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/AFSRKJ6D4304/\\$file/Inspection%20Summary-%20All%20Inspectors-%20Oct.%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFSRKJ6D4304/$file/Inspection%20Summary-%20All%20Inspectors-%20Oct.%202016.pdf)

The board was provided a copy of "Inspection Monthly Report- All Inspectors- October 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/AFSUGR749EA6/\\$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Oct.%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFSUGR749EA6/$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Oct.%202016.pdf)

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

Information: 9.02 Budget Overview

The board was provided a copy of "Vouchers October 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/AFSR4W6BOCOF/\\$file/Vouchers%20from%20October%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AFSR4W6BOCOF/$file/Vouchers%20from%20October%202016.pdf)

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 C Wappner, Jill Pugh

Board meeting notation: The November 21, 2016 Meeting of the Board adjourned at 2:58 p.m.