

**Crematory Review Board (Thursday, December 8, 2016)**

Generated by Jarrod Williams on Friday, December 9, 2016

Meeting called to order at 3:00 p.m.

## 1. Convening of the Board

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**Action, Procedural: 1.01 Calling the Roll**

Representatives of the Ohio Cemetery Dispute Resolution Commission:

1. Jack Lee-Harris
2. C. Thomas Pfeifer
3. Rufus Slade

Representatives of the Ohio Board of Embalmers and Funeral Directors:

1. William Dodson, Jr.
2. Jon Rettig
3. William Wappner

*Board meeting notation:* Mr. Tim Derickson called the meeting to order. Board members Mr. Jack Lee-Harris, Mr. C. Thomas Pfeifer, Mr. Rufus Slade, Mr. William Dodson, Jr., Mr. Jon Rettig, and Mr. William Wappner were present. Also in attendance were Mr. Eric Anderson, Ms. Angie Berwalter, Ms. Christie Limbert, Ms. Laura Monick, Ms. Anne Petit, and Mr. Jarrod Williams.

**Action, Minutes: 1.02 Consideration of the November 17, 2015 Crematory Review Board Meeting Minutes**

A motion was made by William Wappner, seconded by William Dodson, Jr., to approve the November 17, 2015 Crematory Review Board Meeting Minutes.

Ayes: 6

Motion carries: Yes

## 2. Appointments

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**Action, Procedural: 2.01 Appointment of a Chairperson to the Crematory Review Board****4717-2-04 Crematory Review Board**

The crematory review board shall conduct an organizational meeting at least annually at which time the crematory review board shall appoint a chairperson and one additional person who is experienced in the operation of a crematory facility and who is not affiliated with a cemetery or a funeral home to serve on the crematory review board for

such time as the crematory review board finds appropriate.

The crematory review board shall conduct an adjudicatory hearing as needed, in accordance with Chapter 119. of the Revised Code upon receiving written notice from the board pursuant to division (E) of section [4717.03](#) of the Revised Code.

Replaces: 4717-1-26

Effective: 04/10/2011

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

Promulgated Under: [119.03](#)

Statutory Authority: [4717.04](#)

Rule Amplifies: [4717.03](#)

Prior Effective Dates: 1/1/01, 11-10-05

A motion was made by Jon Rettig, and seconded by William Dodson, Jr., to appoint William Wappner to serve as Chairperson of the Crematory Review Board for such time as the crematory review board finds appropriate.

Ayes: 6

Motion carries: Yes

## **Action, Procedural: 2.02 Appointment of One Additional Person to the Crematory Review Board**

### **4717-2-04 Crematory Review Board**

The crematory review board shall conduct an organizational meeting at least annually at which time the crematory review board shall appoint a chairperson and one additional person who is experienced in the operation of a crematory facility and who is not affiliated with a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds appropriate.

The crematory review board shall conduct an adjudicatory hearing as needed, in accordance with Chapter 119. of the Revised Code upon receiving written notice from the board pursuant to division (E) of section [4717.03](#) of the Revised Code.

Replaces: 4717-1-26

Effective: 04/10/2011

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

Promulgated Under: [119.03](#)

Statutory Authority: [4717.04](#)

Rule Amplifies: [4717.03](#)

Prior Effective Dates: 1/1/01, 11-10-05

A motion was made by Jon Rettig, and seconded by C. Thomas Pfeifer, to appoint Angie Berwalt to serve as one additional person who is experienced in the operation of a crematory facility and who is not affiliated with a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds

appropriate.

Ayes: 6

Motion carries: Yes

### 3. Board of Embalmers & Funeral Directors Items of Discussion

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#### **Discussion: 3.01 Responsibilities of Ohio Board of Embalmers and Funeral Directors**

Commentary from Assistant Attorney General Christie Limbert on functions of the Ohio Crematory Review Board.

#### **Discussion: 3.02 Board policy FUN IPP003- Investigative Process**

Commentary from Jarrod Williams, compliance coordinator, on board policy FUN IPP003; the investigative process regarding complaints to the board.

FUN IPP003:

#### SUMMARY

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An investigative process is established to provide fair, objective, and prompt review and processing of complaints to the Board.

#### WRITTEN COMPLAINT

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All complaints regardless of source must be put into writing. The Board staff will assist in the writing of complaints when needed. The complaint must be signed by the complainant to verify it's accuracy when the Board staff assisted.

#### RECORD OF COMPLAINT

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The Compliance Coordinator will enter the complaint in the complaint log and create a case file for the complaint.

Complaint files are to be kept in a locked cabinet of non-public files while the investigation is pending.

#### ACKNOWLEDGEMENT TO COMPLAINANT

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If the identity of the complainant is known, an acknowledgment will be sent to the complainant. This acknowledgement may be a letter, fax, email, telephone call, and/or personal communication. Such acknowledgment may request additional information and/or records.

## REQUEST FOR INFORMATION FROM THE LICENSEE

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Written complaints will be forwarded to the applicable licensee for written response by the Compliance Coordinator.

The licensee will have fourteen days to respond to the complaint and provide any supporting documentation requested by the Compliance Coordinator.

## CASE FILE

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Written complaints will be assigned by the Compliance Coordinator to an Inspector of the board and their name will be noted in eLicensing.

The Executive Director, the Compliance Coordinator, and the Inspector will determine the necessary investigative steps to pursue.

Staff may consult with the Assistant Attorney General.

## ACTIONABLE CASES

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The Executive Director, the Compliance Coordinator, and the Inspector can agree that there is probable cause to pursue the alleged complaint and recommend further action by the Board.

At the direction of the Executive Director, the Compliance Coordinator will prepare a written summary of the case findings and a recommendation for action to be presented to the Board.

Such case file may be reviewed by the Assistant Attorney General for sufficiency of the evidence and legal compliance.

The case may be presented to the Board using only case numbers for the Board to vote on a motion to offer an adjudicated order; issue a notice of opportunity for a hearing; close the case; or to request further information.

## CLOSED CASES

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If the identity of the complainant and contact information is known, and if the complainant has been contacted by mail, telephone, fax, email, or other communication, but refuses, or has not submitted his/her verbal complaint in writing within thirty days, the Compliance Coordinator will contact the complainant one final time requesting the written complaint again. The date of the request will be noted in the case file. If nothing is received within an additional thirty days from the date of the request made by the Compliance Coordinator, the file will then be reviewed by the Executive Director and may be closed by the Executive Director. Staff may consult with the Assistant Attorney General.

If the Compliance Coordinator determines another licensing board may have jurisdiction

over the complaint; the file will be reviewed by the Executive Director and may be closed or suspended (pending further action by the other board) by the Executive Director. The complaint may then be transferred to that board for action, with the complainant provided notification of the transfer. Staff may consult with the Assistant Attorney General.

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.

### **Discussion: 3.03 Inspection Process of a Crematory Facility**

Commentary from Board Inspector Eric Anderson on the inspection process of a crematory facility.

## **4. Cemetery Dispute Resolution Commission Items of Discussion**

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### **Discussion: 4.01 To be determined**

## **5. Adjournment**

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### **Action, Procedural: 5.01 Adjournment of meeting**

A motion was made by Jon Rettig, and seconded by, William Dodson, Jr. to adjourn the meeting.

Ayes: 6

Motion carries: Yes

*Board meeting notation:* The December 08, 2016 Crematory Review Board Meeting adjourned at 3:53 p.m.