

Regular Meeting (Wednesday, January 25, 2017)

Generated by Jarrod Williams on Thursday, January 26, 2017

Members present

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

Meeting called to order at 1:04 p.m.

1. Convening of the Board - President

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 Kandy Barnett, Katie Mackoway, Alex Srnovrsnik, Ashley Thacker, Emily Kingrey, and George Tilden.

Mr. Rettig recognized past board president Pamela Williams-Briggs (in attendance of the meeting) with gratitude and praise for her service to the board. His welcoming words were met with applause from all.

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 links: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHR2EE766F8C/\\$file/Executive%20Director%20Report...January%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHR2EE766F8C/$file/Executive%20Director%20Report...January%202017.pdf) and [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHWPDx642BE0/\\$file/2017%20-%20Renewal%20Update.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHWPDx642BE0/$file/2017%20-%20Renewal%20Update.pdf)

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

- Update on JCARR was deferred until agenda item 6.01.
- Update on the The International Conference of Funeral Service Examining Boards annual meeting. Mr. Derickson reported that registrations were submitted in December for those who confirmed to attend the March 1-2, 2017 meeting.
- Update on the new board website. Mr. Derickson reported the new board website is still under construction. He added that Mr. Danny Finrock continues to work with DAS to launch the new website before the current contract with Board Docs expires in June.

- Update on amended record management/ retention policy FUNIP001-A. Mr. Derickson reported that at its December 19, 2016 meeting, the Board approved an amendment to its records management/ retention policy. Executive Director Derickson submitted the amended policy to Department of Administrative Services, Central Services Agency and the labor union for review. A response is still forthcoming.
- Mr. Derickson shared his decision to distribute the remaining promotional items in stock with the board office instead of ordering new for the Ohio Funeral Directors Association Annual Convention in May.
- Update on license renewals. Mr. Derickson invited Mr. Finfrock to report on the status of renewals. Mr. Finfrock announced that majority of licensees have renewed their licenses, but there are still a some that have not. He added that a some facilities have not renewed as well.

Ms. Jill Pugh questioned if the continuing education audit has been sent. Mr. Finfrock replied that the audit typically occurs in March. Ms. Pugh questioned if the renewal cards had been sent. Mr. Finfrock replied that pocket cards are expected to be delivered in February.

3. President's Report

Information: 3.01 President's Report

Mr. Jon Rettig announced that Mr. Bryan Chandler resigned from the board. Mr. Rettig stated that Mr. Chandler desired to spend more time with his growing family and businesses. Mr. Rettig suggested Mr. Tim Derickson write a letter of thanks to Mr. Chandler for his service to the board.

Mr. Rettig reported that Ohio Funeral Directors Association (OFDA) invited himself, Mr. Thomas Taneff, and Mr. Tim Derickson to a meeting to offer input on future legislation. OFDA is planning to participate in the drafting of a future House Bill to be presented to state legislators.

Mr. Rettig reported attending a recent OFDA Board Meeting and discussing OFDA's future legislative efforts with John McGough and T. Scott Gilligan.

4. Meeting Minutes

Action, Minutes: 4.01 Consideration of the December 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.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

5. Persons Appearing Before the Board

Action: 5.01 Lisa A. Elias - Applicant for Reciprocal DUAL License

The applicant has submitted an application for reciprocal dual license. This applicant appeared before the board at the December 19, 2016 Meeting of the Board to address questions the board had concerning information within the criminal history check. The board motioned to table the agenda item until the next regular meeting. The applicant was informed by the board office that a second appearance was not necessary.

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. Thomas Taneff expressed concern that Ms. Elias was not completely honest when answering questions during her appearance at the December 19, 2016 meeting. Mr. Taneff reminded all that Ms. Elias said there were no charges against her and the record was to be expunged. Mr. Taneff confirmed that charges were filed against Ms. Elias resulting in two days spent in jail. He added that Ms. Elias also hired an attorney to fight those charges - a fight that lasted more than one year.

Motion to approve the application as presented and grant permission to take examinations prior to licensing.

Motion by William C Wappner, second by William A Dodson.

Final Resolution: Motion Carries

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

No: Tommy Taneff

Action: 5.02 R. Scott Davis - Request to serve as master funeral director for more than one apprentice

Mr. R. Scott Davis of Roger W. Davis Funeral Home of West Portsmouth, Ohio respectfully petitions the board to serve as master funeral director for two 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 circumstance and with prior written permission from the board.

The board was provided a copy of "Request from Roger W. Davis Funeral Home" 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/AGSJWP4E62FB/\\$file/Request%20from%20Roger%20W.%20Davis%20Funeral%20Home.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AGSJWP4E62FB/$file/Request%20from%20Roger%20W.%20Davis%20Funeral%20Home.pdf)

Board meeting notation: Mr. Jon Rettig welcomed Mr. R. Scott Davis to the meeting and requested he stand before the board. Mr. Rettig asked Mr. Davis if he had an opening statement. Mr. Davis first apologized to the board for cancelling his appearance at the December 19, 2016 meeting and thanked them for the second opportunity. Mr. Davis stated that he had a rarity in his area - two young people wanted to be in the funeral business. He added that one has already begun her apprenticeship with him, but the other recently graduated college and was looking to start.

Motion to approve the request as presented and grant permission to serve as master funeral director for more than one apprentice.

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

Action: 5.03 Krystal A. Mays, Applicant for Registration for DUAL Apprenticeship

The applicant has submitted an application for registration for a dual apprenticeship. The applicant was asked to appear before the board to address any questions the board may have concerning information within the criminal records 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. Krystal A. Mays to the meeting and requested she stand before the board. Mr. Rettig asked Ms. Mays if she had an opening statement.

Ms. Mays stated that she was seeking permission to serve a dual apprenticeship. She added that her background check would portray a person that she is not today. Ms. Mays stated that she is embarrassed and regretful for the actions she engaged in and accepts full responsibility for her history. Ms. Mays offered a chronicled history of her troubled past beginning with growing up in a home with addicted parents who often burdened her with adult responsibilities. Next, an adolescence full of hardship led to regretful decisions in early adulthood. She described her life turned for the worse after experiencing a mental breakdown. A disconnection with reality led to a crime of armed robbery that resulted in a twenty-five year prison sentence.

Ms. Mays was rewarded with release after serving five years of her sentence. During her incarceration, Ms. Mays succeeded in several rehabilitation programs proving she was reforming. Her reformation continued after prison with reuniting with her children and graduating college. She attributed her success to a neighbor, known as Mr. Stewart, for mentoring her over the years. Ms. Mays stated that her interest in the funeral business was sparked by the time she spent caring for her ill mother.

Mr. Rettig asked Ms. Mays about her Certificate of Qualification for Employment. Ms. Mays responded that the program was for those who cannot expunge their record. The program acknowledges achievements in reformation such as step successes, and the development of support systems.

Mr. Thomas Taneff asked Ms. Mays if restitution was made to the victim of her crime. Ms. Mays responded that she was sent to prison for her crime. Mr. Taneff asked if restitution was paid for the value of the victims vehicle. Ms. Mays replied no.

Motion to approve the application for registration as presented and grant registration for dual apprenticeship to the applicant.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

Board meeting notation: Mr. William Wappner stated that he has been in the business twenty-five years and has seen many successful people grow from difficult beginnings and second chances. He stated that he believes in second chances and would be very disappointed if she failed at this chance.

Discussion, Recognition: 5.04 Melissa S. Sullivan, Executive Director, Ohio Funeral Directors Association

Ms. Melissa S. Sullivan has submitted a written request to the executive director to appear before the board.

From: Tim Derickson <mailto:timothyderickson@gmail.com>

Sent: Wednesday, January 18, 2017 5:05 PM

To: Derickson, Tim <TDerickson@funeral.ohio.gov>

Subject: Fwd: Board Meeting

Sent from my iPhone

Begin forwarded message:

From: Melissa Sullivan <melissa@ofdaonline.org>

Date: January 18, 2017 at 4:54:53 PM EST

To: Tim Derickson <timothyderickson@gmail.com>

Subject: Board Meeting

Good afternoon, Tim. At the request of the OFDA Board of Directors, we would like to appear before the Board of Embalmers and Funeral Directors next Wednesday the 25th during your monthly meeting. Our Board feels strongly that a portion of continuing education hours obtained by funeral directors be in a classroom environment and wishes to express our position with your Board. I will provide written explanation of our identified benefits to you early next week. Thank you for the opportunity to present.

Melissa S Sullivan | Executive Director

Ohio Funeral Directors Association | 2501 North Star Road | P O Box 21760 | Columbus, OH 43221
800.589.6332 | 614.486.5339 | www.OFDAonline.org

Promoting Excellence in Funeral Service

Board meeting notation: Ms. Melissa Sullivan, Executive Director of Ohio Funeral Directors Association (OFDA), introduced herself and thanked the board for the opportunity to speak. Ms. Sullivan also introduced Mr. Ben Easterling, OFDA Board President, and Mr. Mike Ryan, OFDA Regional Director- Southwest, to the board and stated that the three were asked by the OFDA Board of Directors to attend the meeting to address continuing education programs.

Ms. Sullivan stated that continuing education programs offered by OFDA are efficient, appropriate, and equally split between online and in person presentations. She added that some in person programs are not adaptable to online presentation. These are programs that provide soft skills training; techniques that involve face-to-face interaction. Ms. Sullivan stated OFDA supports retaining in person presentations.

Mr. Ben Easterling stated that he has been licensed forty years, and during that time he has learned that people skills are the most important tool a funeral director can possess. He added that in person programs not only offer valuable training, but allow the exchange of ideas with open dialogue. Mr. Easterling went on to say that funeral service practitioners need continuing education programs that provide a face-to-face experience.

Mr. Mike Ryan reported on behalf of Mr. Jack Lechner, Jr., President of Cincinnati College of Mortuary Science (CCMS), that Mr. Lechner maintains a preference for in person programs.

Mr. Marlan Gary, Vice President of Buckeye State Funeral Directors and Embalmers Association, stated his organization concurred with OFDA and CCMS' preference for in person programs.

Mr. Jon Rettig asked if there were anyone else to comment.

6. Committee Reports

Action: 6.01 JCARR Committee Report

Ohio law requires all agencies review existing rules every five years to determine if their rules should be eliminated or amended. The Board of Embalmers and Funeral Directors Committee on JCARR Rules Review was created to accomplish this task.

The agency review is the first step in the process. The committee has reviewed and discussed all 32 rules of Chapter 4717 of the Ohio Administrative Code over a course of three separate meetings. The committee has recommended and approved amendments to 19 of the 32 rules. Thirteen rules remain unchanged. If the agency determines the rules should not be amended, the rules are filed with JCARR as "no-change" rules. This literally means there are no changes to the existing rules.

Next, the committee recommendations will be provided to Ohio's Common Sense Initiative for review.

Ohio's Common Sense Initiative was created by the Governor's Office to help make Ohio a jobs and business-friendly state by reforming regulations.

Upon review and recommendations from Ohio's Common Sense Initiative, the agency will begin the process with the Joint Committee on Agency Rule Review (JCARR). JCARR was created in 1977 by the Ohio General Assembly to review proposed new, amended, and rescinded rules to ensure they do not exceed their rule-making authority granted to them by the General Assembly.

All 32 rules reviewed by the committee are included with this agenda item for reference.

Copy may be located at website.

Board meeting notation: Mr. Jon Rettig explained the process of the five-year review of rules with the meeting audience. Mr. Rettig invited Mr. William Wappner, chairman of the the rules review committee, to report on the progress of the committee.

Mr. Wappner stated that the committee last met on January 11, 2017. He added that the committee has reviewed all the rules within Chapter 4717 of the Ohio Administrative Code and has made recommendations to amend many. These recommendations will be forwarded to Ohio's Common Sense Initiative for review and recommendation prior to submitting rule changes to JCARR. Mr. Wappner offered highlights of few rule amendments:

- Elimination of the "Manager" position requirement for funeral homes - law holds actual in charge accountable for funeral homes
- Reduce emergency meeting notifications from 5 days to 24 hours
- Transfer supervision of the executive director from the secretary-treasurer to the president
- Addition of instruction on cremation procedures and laws to the apprenticeship requirements
- Addition of embalmer's license to be displayed in a public area requirement
- Addition of requirement to notify a change of crematory operator of crematory
- Addition of requirement to notify a change of embalmer actual in charge of embalming facility
- Amend the number of hours permitted for online and in-person instruction to continuing education requirements
- Addition of 3 specific areas of study for continuing education requirements: ethics, preneed, laws/rules
- Amend requirements for application for waiver of the minimum continuing education requirements
- Remove the requirement for continuing education programs to be open to all licensees

Mr. Rettig announced that the board received communication from Ohio Embalmers Association that they will concur with recommendations from the two other noted Ohio organizations: Buckeye State Funeral Directors and Embalmers Association and Ohio Funeral Directors Association.

Motion to accept the report concerning amendments to rules of Chapter 4717 of the Ohio Administrative Code as recommended by the Board of Embalmers and Funeral Directors Committee on JCARR Rules Review.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

Board meeting notation: Mr. Thomas Taneff asked Ms. Melissa Sullivan if she was aware how many persons in the state provide continuing education programs. Ms. Sullivan replied that she could not provide a number, but suggested there are many. Mr. Taneff asked Ms. Sullivan if OFDA makes money by providing continuing education programs. Ms. Sullivan replied that about 25% of annual revenue is generated from continuing education programs. Mr. Taneff asked if OFDA has a financial interest in continuing education programs. Ms. Sullivan responded that OFDA does. She added that OFDA plans to expand into online programs, but will continue to offer in person programs to maintain soft skills training.

Mr. William Dodson asked the board if there were any difference in the programs; such as credit versus non-credit. He also asked if programs have ever been through stratified sampling.

Mr. Ben Easterling responded that he felt the word "convenience" was not applicable to maintaining a license.

Ms. Jill Pugh questioned if online education was less than face-to-face.

Ms. Sullivan responded that OFDA is providing a blended delivery of content.

Mr. R. Scott Davis opined that he was in favor of face-to-face programs because it encourages people to learn together. He also opined that libraries will likely disappear in the near future due to the ease of obtaining vast information from technological devices.

Mr. Jon Rettig commented that the idea of allowing more online hours stems from feedback from licensees located in areas where in person continuing education programs are not available.

Mr. Marlan Gary stated he agreed with Mr. Easterling's opinion on misuse of the word "convenience." He questioned the relationship of convenience when the board approves all continuing education programs.

Ms. Pugh stated that there was a misunderstanding and clarified the board's position on the word "convenience." She explained that the board's intent to allow the option of more online hours was to assist those in rural areas where in person programs are often not available. She added that it was also meant to assist the small operators that cannot afford to close the funeral home on a weekday to attend a convention or seminar. It was also to help busy funeral homes - so busy, many seldom leave before logging ten or more hours a day. Ms. Pugh remarked that as a licensee, she too had to earn her licenses - they weren't given and the journey wasn't convenient.

Mr. Gary thanked the board for giving licensees two years to complete the hours.

Ms. Sullivan commented that many licensees will elect the online option. She added that face-to-face programs still have value. Ms. Sullivan acknowledged that some states mandate the number of hours.

Mr. Taneff opined to Mr. Rettig that members would love an option, not a mandate. Mr. Taneff offered an example of his participation in the Ohio Supreme Court Mentor Program.

Mr. Taneff suggested to Ms. Sullivan that OFDA could poll its members about the option of online hours. Ms. Sullivan replied there was still value in a face-to-face program.

Mr. William Wappner reported that the rules review committee overruled the continuing education committee recommendations.

Motion to adopt the amendments to rules of Chapter 4717 of the Ohio Administrative Code as recommended by the Board of Embalmers and Funeral Directors Committee on JCARR Rules Review with exception to 4717-9-01(H). The rule shall read, "The board may approve twelve hours of the required continuing education hours fulfilled through course, programs and other continuing education activities provided by correspondence which includes online courses and home study per each compliance period.

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

Board meeting notation: Ms. Sullivan requested the board eliminate the word "contracts" from the rule.

Motion to strike the word "contracts" from 4717-09-01(H)(1) as adopted in the prior motion. The rule shall read, "(1) Six of the required eighteen hours shall be fulfilled through courses addressing: 1. Ethics (2 hours); 2. Preneed (2 Hours); 3. Laws/Rules (2 hours)."

Motion by William C Wappner, second by Jill Pugh.

Final Resolution: Motion Carries

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

7. Licensure

Action: 7.01 Applications (Individuals) Recommended for Licensure***Initial licenses to be granted***

License Number	Name	City
Emb.009717 Fd.009835	CaraDonna, Kimberlynn M.	Kettering
Emb.009718 Fd.009836	George, Andrew M.	Cleves
Emb.009719	Knapik, Kahlen M.	Bedford
Emb.009720 Fd.009837	Saylor, Kaitlyn M.	Newcomerstown
Fd.009838	Sujkowski, Ashley R.	Toledo

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

Motion by Jill Pugh, second by Tommy Taneff.

Final Resolution: Motion Carries

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

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

Information: 7.02 No Motion Items (Individuals) - Information Only***Individuals issued Registration in December '16***

Type	Name	City
Dual	Jordan, Zoe'e	Toledo
Dual	Woofter, James	Newton Falls

Individuals Certified as an Apprentice in December '16

Type	Name	Funeral Home	City
Dual	Jordan, Zoe'e	Newcomer Funeral Home	Toledo
Dual	Steiner, Todd	Rutherford-Corbin FH	Worthington
Dual	Woofter, James	Bernard P Borowski FH	Newton Falls

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

Action: 7.03 Application Recommended for Reinstatement of DUAL License

Kara D. Kucner's embalmer and funeral director licenses expired December 31, 2014. The licenses were lapsed during the 2015-2016 compliance period.

Ms. Kucner has applied to reinstate her licenses for the 2017-2018 compliance period. Ms. Kucner has met

all conditions for reinstatement as required in Ohio Revised Code 4717.08(C).

Kara D. Kucner, license number DUAL.009128

4717.08 Renewals.

A) Every license issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses not renewed by the last day of December of each even-numbered year are lapsed.

(B) A holder of a lapsed license to operate a funeral home, license to operate an embalming facility, or license to operate a crematory facility may reinstate the license with the board by paying the lapsed license fee established under section [4717.07](#) of the Revised Code.

(C) A holder of a lapsed embalmer's or funeral director's license may reinstate the license with the board by paying the lapsed license fee established under section [4717.07](#) of the Revised Code, except that if the license is lapsed for more than one hundred eighty days after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement.

Motion to approve application for reinstatement of dual license.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

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

Action: 7.04 Ratification of Facility Licenses

New Building / New Facility - License:

License #	Firm Title	Location
003483	White's Funeral Home	Columbus
003484	Baker - Stevens - Parramore	Middletown

Change of Ownership / Existing Facility - New Facility License:

License #	Firm Title	Location
003485	FJ Corrigan Funeral Service	Orange Village
003486	Thompson Filicky Funeral Home	Youngstown

Leasing Space - New Funeral Home License:

New License #	Leasing To	Leasing From	Location
003487	Rossi & Santucci Funeral Home	Thompson Filicky Funeral Home	Youngstown

Name Changes:

License #	Current Name	New Name	Location
003109	GIVEN-DAWSON FUNERAL HOME	GIVEN DAWSON PAISLEY FUNERAL HOME	COSHOCTON

003261	EICHHOLTZ -DARING & SANFORD FUNERAL HOME	EICHHOLTZ DARING & SANFORD FUNERAL HOME & CREMATION CENTER	BELLEFONTAINE
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Motion to approve

Motion by Tommy Taneff, second by William A Dodson.

Final Resolution: Motion Carries

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

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

Information: 7.05 No Motion Items (Facilities) - Information Only

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
003109	GIVEN-DAWSON FH	Paisley, Jessica A.	AIC	Coshocton
001929	WALKER FUNERAL HOME	Walker, Keith	AIC	Toledo
001929	WALKER FUNERAL HOME	Walker, Keith	MGR	Toledo
002753	WOODYARD EAST CHAPEL	WOODYARD, DEAN	MGR	Columbus
002731	W H DICK & SONS-HELLWARTH FH	Cowan, John A.	MGR	Mendon
003208	HOSKINSON FUNERAL SERVICE	Bishop, James E.	MGR	Thornville
001765	DEVORE - SNYDER FUNERAL HOME	Watts, Ryan P.	MGR	Sunbury
000412	EPSTEIN MEMORIAL CHAPEL	Levy, David A.	MGR	Columbus

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

8. Continuing Education

Action: 8.01 Continuing Education Programs

Following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHWVKP8125FA/\\$file/2017%20January%20CE.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHWVKP8125FA/$file/2017%20January%20CE.pdf)

and [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHWVKU812ADE/\\$file/Location%20Codes.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHWVKU812ADE/$file/Location%20Codes.pdf)

Motion to approve

Motion by Tommy Taneff, second by Jon Rettig.

Final Resolution: Motion Carries

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

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

Action: 8.02 Continuing Education Exemptions

50 year Exemption: Starting / For 2017 - 2018

License #	Name	Date Issued
FD 005670	PLAGGE, ROBERT J	01.01.1967

DUAL 006541	BRAMMER JR, TRACY E	01.01.1967
DUAL 006566	SCHOEDINGER, DAVID S	01.01.1967
DUAL 006501	DEMING III, WALTER F	11.17.1965

Waiver: (Good for only two years) 2017 - 2018

License #	Name
DUAL 008121	SAMMONS, TODD A
DUAL 009326	TOWNSON, ANDRA M
FD 007999	PERKINS, ROBIN L

Board meeting notation: Mr. Jon Rettig read aloud the name of each licensee who applied for a 50-Year Exemption of the continuing education requirement to acknowledge their years of licensure and commend their dedication to the funeral services industry.

Motion to approve

Motion by Tommy Taneff, second by William C Wappner.

Final Resolution: Motion Carries

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

NOT VOTING (Abstain/Present): Jill Pugh

9. Compliance

Discussion: 9.01 2017 Annual Preneed Funeral Contract Report Form

Mr. Danny Finfrock has developed an updated version of the annual preneed contract report form for 2017. The form has been included for your review and consideration. Please provide comment or suggestion on the revised form.

The form will be mailed to all licensed funeral homes and is expected to be returned completed to the board office on or before March, 30, 2017. Even though there are 31 days in March, the board office must physically have in hand the completed form and report on or before March, 30, 2017, to be considered timely.

The board was provided a copy of the "Annual Preneed Funeral Contract Report Form" 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/AHWPVL664CB9/\\$file/2017-2018%20Preneed%20Report%20Form%20v1.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHWPVL664CB9/$file/2017-2018%20Preneed%20Report%20Form%20v1.pdf)

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Tim Derickson, executive director, invited Mr. Danny Finfrock to provide information on the updated form. Mr. Finfrock shared a brief description of changes to the form. He stated the most notable change is the form now includes a request for funeral homes to disclose all insurance policies whereby the funeral home is designated the beneficiary.

Action: 9.02 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/AHR3JR7AD186/\\$file/Settlement%20Agreement%20%231_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHR3JR7AD186/$file/Settlement%20Agreement%20%231_Redacted.pdf)

Board meeting notation: Mr. Jon Rettig requested Ms. Christie Limbert, board counsel, to explain the expectations of the settlement agreement to the board. Ms. Limbert provided a brief summary of the compliance case and why the agreement contained the audit component.

Motion to ratify Settlement #1 as presented.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

Yes: Tommy Taneff, Jon Rettig, William A Dodson, 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 Ronald Simchak, license number DUAL.006810, of Waltner-Simchak Funeral Home, license number FH.001328, of Canton, Ohio concerning compliance case numbers 2016-1600161 and 2016-1600162.

Action: 9.03 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/AHVLE3515554/\\$file/Settlement%20Agreement%20%232_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHVLE3515554/$file/Settlement%20Agreement%20%232_Redacted.pdf)

Motion to ratify Settlement #2 as presented.

Motion by Tommy Taneff, second by Jon Rettig.

Final Resolution: Motion Carries

Yes: Tommy Taneff, Jon Rettig, William A Dodson, 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 Richard A. Franklin, license number DUAL.007130 of R. A. Franklin Funeral Services Inc, license number FH.001225, of East Cleveland, Ohio concerning compliance case number 2016-1600160.

Action: 9.04 Joseph N. Koker

Case Synopsis:

Mr. Joseph N. Koker, license no. DUAL.007756, was randomly selected from an aggregate of licensed candidates to participate in the 2015 Annual Continuing Education Audit. The board had made more than one attempt to provide Mr. Koker with notice of participation in the audit, along with the audit form by certified mailings. Mr. Koker failed to respond to the mailings.

The board office initiated compliance issue no. 2016-1600024 concerning Mr. Koker.

The board charged Mr. Koker at its August 17, 2015 regular meeting with violation of renewing his licenses for 2015-2016 without meeting the continuing education requirements for renewal and for failing to respond to the 2015 continuing education audit. The board had made more than one attempt to provide Mr. Koker with notice of the board's order by certified mailings. Mr. Koker failed to respond to the mailings.

The board rescinded its charges and subsequent notices of violations issued to the licensee at its November 21, 2016 regular meeting, and elected to reissue the 2015 continuing education audit form to the licensee.

The board provided Mr. Koker with notice of the reissue of the continuing education audit form by certified mailing. The board received confirmation of delivery of that certified mailing. To date, the board has not received a response to the notice.

To date, Mr. Joseph N. Koker has not renewed his licenses for 2017-2018.

Violations:

4717-9-01 Continuing education requirements.

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

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

4717-8-01 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.

4717.14 Disciplinary actions.

(A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:

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

Board meeting notation: Ms. Christie Limbert, board counsel, reminded the board of their decision during the November 21, 2016 meeting and explained why the compliance case was presented.

Motion to refuse to renew the lapsed licenses for failure to comply with the continuing education audit.

Motion by Tommy Taneff, second by William A Dodson.

Motion Carries

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

Board meeting notation: Ms. Limbert recommended the board consider amending the motion. She suggested to replace, "refuse to renew the lapsed licenses" with, "charge with disciplinary action."

Motion to withdraw prior motion.

Motion by Tommy Taneff, second by William A Dodson.

Motion Carries

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

Motion to charge the licensee with disciplinary action for failure to comply with the continuing education audit.

Motion by Tommy Taneff, second by William A Dodson.

Final Resolution: Motion Carries

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

Action: 9.05 Ratification of Closed Compliance Cases

Motion to ratify the list of closed compliance cases as presented and confirm each case status as closed.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

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 2017-1700017
Case number 2017-1700028
Case number 2017-1700029
Case number 2017-1700030
Case number 2017-1700031
Case number 2017-1700032
Case number 2017-1700036

Board meeting notation: Mr. Jon Rettig reminded all that these compliance cases were not presented to the board because none meet standard to charge with a violation. There was no discussion among the board.

Information: 9.06 Pending Investigations

The board was provided the list of pending investigations in the agenda item details for review. The document provided may be located online at the following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHVT7263AC42/\\$file/Pending%20Investigation%20list-%20Jan.%202017%20BOARD.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHVT7263AC42/$file/Pending%20Investigation%20list-%20Jan.%202017%20BOARD.pdf)

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

Information: 9.07 Attorney General Case Update

Privileged and Confidential - Attorney and Client Communication and Work Product

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

10. Inspections

Information: 10.01 Inspector's Report

The board was provided a copy of "Inspection Monthly Report- All Inspectors- December 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/AHVMUQ54BABF/\\$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Dec.%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHVMUQ54BABF/$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Dec.%202016.pdf)

The board was provided a copy of "Inspection Summary- All Inspectors- December 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/AHVMUN54B722/\\$file/Inspection%20Summary-%20All%20Inspectors-%20Dec.%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHVMUN54B722/$file/Inspection%20Summary-%20All%20Inspectors-%20Dec.%202016.pdf)

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

11. Board Operations

Information: 11.01 Budget Overview

The board was provided a copy of "Vouchers December 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/AHVPZK57F29D/\\$file/Vouchers%20from%20December%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AHVPZK57F29D/$file/Vouchers%20from%20December%202016.pdf)

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

12. Adjournment

Mr. Jon Rettig announced that the board was to hold an executive session prior to adjournment of the regular meeting. Mr. Rettig requested that attendees of the meeting other than board staff to exit the room.

Mr. Rettig also informed attendees they were permitted to leave the meeting without return, if desired; as the meeting agenda had concluded. He reminded all who sought continuing education credit for attending the meeting, to sign their names to the attendance record before leaving the room.

A motion was made by Jon Rettig, seconded by Thomas Taneff, to enter into executive session pursuant to Ohio Revised Code 121.22(G)(3): To confer with the board's attorney regarding a matter that is subject of pending or imminent court action.

Motion by Jon Rettig, second by Tommy Taneff

Final Resolution: Motion Carries

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

Board meeting notation: Prior to the board entering executive session, Mr. R. Scott Davis asked the board if the annual preneed funeral contract report form required the funeral home to disclose insurance policy assignments to the funeral home. He stated that such an insurance policy really belongs to the policyholder until the funeral home fulfills the contracted funeral services. Mr. Davis opined that reporting a dollar value could be difficult because most insurance providers only disclose information to the policyholder. He added that funeral homes usually do not know the full dollar amount of an assignment until a claim is submitted to the provider. Mr. Davis suggested that funeral homes could contact the insurance provider to inquire if the policyholder is current with payments and report this information to the board. Mr. Jon Rettig responded that he understood Mr. Davis' concern and replied that funeral homes should just disclose the existence of assigned policies.

Mr. Marlan Gary stated that insurance policies are portable. He questioned if funeral homes should report transfers because of the potential for two different funeral homes reporting the same policy.

Mr. Rettig responded that when a consumer changes locations, the funeral home should retain a record of the transfer. This practice could protect the funeral home; especially if the next funeral home fails to report the policy.

The board entered into executive session at 2:43 p.m.

The board ended executive session and reconvened to its regular meeting at 3:00 p.m.

Action: 12.01 Adjourn the Meeting

Motion to adjourn the meeting.

Motion by Jill Pugh, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Board meeting notation: The January 25, 2017 Meeting of the Board adjourned at 3:01 p.m.