

Regular Meeting (Wednesday, February 22, 2017)

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Members present

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

William A. Dodson, Jr. was absent.

Meeting called to order at 1:01 p.m.**1. Convening of the Board - President**

Procedural: 1.01 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: 1.02 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 Jen Badgett, Kelly Cunningham, Mark Hall, Monica Hall, and Brian Sullivan.

2. Executive Director's Report

Information: 2.01 Executive Director's Report

The board was provided a copy of "Executive Director Report" in the agenda item details for review. The document may be located online at the following link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AJNRRD6E2262/\\$file/February%20Executive%20Director%20Report.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AJNRRD6E2262/$file/February%20Executive%20Director%20Report.pdf)

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

- Internal Policy. Mr. Derickson stated the policy was developed to address concerns of preneed funeral contracts of closed facilities. He added the procedure should also allow the board office to answer consumer's concerns.
- CSI Update
- Preneed, Website, Non-renewal letters. Mr. Derickson invited Mr. Danny Finrock to update the board on these topics. Mr. Finrock reported 38 funeral directors licenses have not been renewed; 106 dual licenses have not been renewed; but, majority of funeral homes have renewed to date. Mr. Finrock also reported 1,145 annual preneed funeral contract report forms were mailed in early February. He added that approximately 128 completed reports have been received to the board office to date. Mr. Finrock reported the new board website is still a work-in-progress with many sections completed, but still not fully functional. He added that meetings are regularly occurring for board and commissions expected to transition to the new e-License system and will update the board when additional information is available.
- Inspectors. Mr. Derickson stated the two board inspectors are very busy and making progress with inspections and investigations. He added that although they strive to reach every one, the benchmark set to inspect all facilities annually is simply unrealistic. He expressed pride and gratitude to the inspectors for their hard work.

Mr. Finrock announced that he forgot to report licensees' pocket cards had been mailed as well.

Ms. Jill Pugh questioned Mr. Finrock if the random continuing education audit has been mailed. Mr. Finrock replied that it will not likely occur until April.

Information: 2.02 Follow up to Request for Written Opinion from Office of Ohio Attorney General

Board meeting notation: Ms. Christie Limbert, board counsel, presented the board with paper copy of follow up questions concerning the board's original request for a written opinion on funeral home naming. The questions are privileged and confidential attorney and client communication and work product. Ms. Limbert asked the board to review and recommend any changes to the questions.

Mr. William Wappner had a concern about question number 4. Ms. Limbert responded to Mr. Wappner's concern.

A motion was made to accept the revised questions presented by board counsel.

Motion by Jon Rettig, second by William C Wappner

Final Resolution: Motion Carries

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

3. President's Report

Information: 3.01 President's Report

Board meeting notation: Mr. Jon Rettig reported representing the Board by delivering a presentation during Ohio Funeral Directors Association's Master Training Seminar on February 01, 2017 held in Columbus, Ohio. He added that Ms. Linda Clark and Mr. Danny Finrock of the board office also presented at this meeting and thanked them for their presentations.

Mr. Jon Rettig communicated the following:

- Mr. Rettig will be the temporary chairperson to the continuing education committee following the resignation of Bryan Chandler. He reminded all of the next continuing education committee meeting scheduled on March 7, 2017 at 1:00 p.m. in Room No. 1914 on the 19th Floor of the Riffe Building.
- Mr. Rettig reminded all of the upcoming the OFDA Legislative Reception scheduled on March 7, 2017 at 5:00 p.m. through 7:00 p.m. in the Davidson Lobby on the 3rd Floor of the Riffe Building. he encouraged all to attend, if available.
- Mr. Rettig reported the board office was receiving several telephone calls concerning the updated annual preneed funeral contract report form regarding the addition of the language, "listed as beneficiary." He stated that many licensees were not aware to disclose policies other than those from insurance or trust fund companies. Mr. Rettig stated the addition of this language was to emphasize the need to report these policies. The requirement to report such policies is not new and was always necessary according to Ohio Administrative Code 4717-10-01.
- Mr. Rettig reminded all of the upcoming Annual Meeting of The Conference scheduled February 28 through March 2, 2017 in Hilton Head, South Carolina.
- Mr. Rettig reported that the special audit from Office of Auditor of State of Ohio is in its final stages and may be available by the next board meeting.

Mr. Rettig reported that Ms. Jill Pugh will conduct apprentice interviews in March. Mr. Rettig volunteered to assist, if needed.

4. Meeting Minutes

Action, Minutes: 4.01 Consideration of the January 25, 2016 Board Meeting Minutes

Motion to approve the meeting minutes as presented.

Motion by Jill Pugh, second by William C Wappner.

Final Resolution: Motion Carries

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

Information: 4.02 Committee Reports

5. Persons Appearing Before the Board

Action: 5.01 Raymond J. Visotski, Applicant for DUAL Reciprocal License

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

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

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

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

Board meeting notation: Mr. Jon Rettig welcomed Mr. Raymond J. Visotski to the meeting and requested he stand before the board. Mr. Rettig asked Mr. Visotski if he had an opening statement. Mr. Visotski stated that he was appearing before the board seeking a reciprocal funeral director and embalmer's license.

He added that he was first licensed in 1983 in the state of New Jersey. Mr. Visotski stated that during his career he owned and operated funeral homes in Pennsylvania and South Carolina and was also a board member with the South Carolina Cemetery Board. He is currently licensed in the state of Michigan.

Mr. Rettig questioned Mr. Visotski where he was employed. Mr. Visotski replied that he was employed with Ogle & Paul R. Young Funeral Home.

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

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

6. Licensure

Action: 6.01 Applications (Individuals) Recommended for Licensure

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

Initial licenses to be granted

License Number	Name	City
Fd.009839	Guerriero, Micheline	Ashtabula
Emb.009721 Fd.009840	Hill, Tiffany M.	Dayton
Emb.009722 Fd.009841	Hoening, Terrence T.	Fostoria
Fd.009842	Kahn, Lauren H.	Cincinnati
Emb.009723	Meyer, Roger L	Edison

Emb.009724 Fd.009843	Morgason, Anne A.	Marion
Fd.009844	Vanden Berg, Troy R.	Youngstown

Courtesy Cards to be Issued

License Number	Name	City
CCPM.000009	Beagle, Katie J.	Florence Ky
CCPM.000010	Hopkins, William E.	Fort Wayne In
CCPM.000011	Sennhenn, Jr., John J.	Florence Ky

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 William C Wappner, second by Tommy Taneff.

Final Resolution: Motion Carries

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

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

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

Individuals issued Registration in January '17

Type	Name	City
FD	Anderson, Rachael	Warren
Dual	Bakosh, Alaynah	Dayton
Dual	Brehm, Robert	Wauseon
FD	Capretta, Melissa	Chardon
Dual	Cronauer, Christian	University Hts
Dual	Eldridge, Jacob	Troy
FD	Ellerbrock, Brenda	Findlay
Dual	Eveland, Kyle	Roseville
FD	Fisher, David	Chardon
Dual	Gustin, Joseph	Cincinnati
Dual	Hofer, Kelsey	Brunswick
FD	Johnson, Jason	St Marys
FD	Jones, Tiffany	Maple Hts
Dual	Kellogg, Quinaia	Cincinnati
Dual	Kennedy, Devan	Loveland
Dual	Kill, Trevor	Lima
Dual	Mays, Krystal	Cincinnati
Dual	Reber, Megan	Brunswick

Dual	Schroeder, Kathryn	Lewisburg
Dual	Spears, Melissa	Millersport
Dual	Starovic, Rosemary	Columbus
Dual	Stevenson, Jami	Proctorville
Dual	Ulmer, Paul	Bowling Green
Dual	Wiget, Julia	West Portsmouth

Individuals Certified as an Apprentice in January '17

Type	Name	Funeral Home	City
Dual	Bakosh, Alaynah	Tobias Funeral Home	Dayton
Dual	Kellogg, Quinaia	McCall FH	Cincinnati
Dual	Kill, Trevor	Chiles-Laman FH	Lima
Dual	Eldridge, Jacob	Spring Grove FH	Cincinnati
Dual	Eveland, Kyle	Goebel Funeral Home	Crooksville
Dual	Hofer, Kelsey	Dostal Bokas FS	North Olmsted
Dual	Reber, Megan	Dovin Reber Jones FH	Amherst
Dual	Stevenson, Jami	John H Evans FH	Milford

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

Action: 6.03 Ratification of Facility Licenses

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

New Facility Advertise Only: (will not be licensed until final inspection has passed - advertise as future site only)

Firm Title	Location
Hoening & Son Funeral Home	Fostoria

New Building / New Facility - License:

License #	Firm Title	Location
FH 003488	Donald Jordan Memorial Chapel	Hamilton
CREM 000208	Dovin Funeral and Cremation Specialists	Lorain
FH 003489	Snow Funeral Home	Springfield

Change of Ownership / Existing Facility - New Facility License:

License #	Firm Title	Location
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FH 003490	Bolin-Dierkes Funeral Home Inc.	Zanesville
FH 003491	Stewart & Calhoun Funeral Home, Inc.	Akron
CREM 000207	Y-City Crematory	Zanesville

Name Changes:

License #	Current Name	New Name	Location
FH 002878	BURCHAM JENNINGS FUNERAL HOME	BURCHAM TOBIAS FUNERAL HOME	FAIRBORN

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

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

Motion by Jon Rettig, second by Jill Pugh.

Final Resolution: Motion Carries

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

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

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

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

License #	Firm Title	Licensee Name	Type	Location
002878	BURCHAM JENNINGS FH	Dan K. Tobias	AIC	Fairborn
001879	JOHN QUINT-TREBONI FUNERAL HOME INC	Robert Clayton Carter	AIC	Columbus
001879	JOHN QUINT-TREBONI FUNERAL HOME INC	Robert Clayton Carter	MGR	Columbus

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

7. Continuing Education

Action: 7.01 Continuing Education Programs

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/AJT3TD0567DD/\\$file/2017%20February%20CE.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AJT3TD0567DD/$file/2017%20February%20CE.pdf)

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

Motion to approve the list of continuing education programs as presented.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

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

8. Compliance

Action: 8.01 Recommendation to charge compliance issue #2017-1700026

Complaint:

Complainant alleges the funeral home has failed to deliver the cremated remains of deceased father.

Case synopsis:

A complaint against a funeral home was received at the board office on October 26, 2016. A notice was issued to the funeral director actual in charge of the funeral home on October 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. A response was due by November 10, 2016.

A second notice was issued to the funeral director actual in charge of the funeral home on December 15, 2016 by certified mailing. A response was due by December 30, 2016. To date, a response has not been received at the board office.

The complainant has reported receipt of the cremated remains since filing the complaint.

During the investigation, the board inspector discovered that the complainant met with an unlicensed person when funeral service arrangements were agreed upon. The inspector obtained an affidavit from the complainant identifying the individual they met and believed to be a funeral director. According to the inspector, the person is actually an employee of the funeral home. The complainant has indicated willingness to testify in a hearing, if needed.

Violation(s):ORC4717.13 Prohibited conduct.

(A) No person shall do any of the following:

(1) Engage in the business or profession of funeral directing unless the person is licensed as a funeral director under this chapter, is certified as an apprentice funeral director in accordance with rules adopted under section [4717.04](#) of the Revised Code and is assisting a funeral director licensed under this chapter, or is a student in a college of mortuary sciences approved by the board and is under the direct supervision of a funeral director licensed by the board;

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.

(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.

OAC4717-8-01 Unprofessional conduct.

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

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

Board meeting notation: Mr. Jon Rettig asked the board if there were any questions for Eric Anderson, board inspector. Mr. William Wappner asked the inspector if the cremated remains were returned. Mr. Anderson replied that they were. Mr. Rettig asked if the funeral home responded to the board at all. Mr. Anderson replied that the funeral home did not.

Motion to charge the funeral director actual in charge of the funeral home with violation of unprofessional conduct and permitting an unlicensed employee to practice funeral directing.

Motion by William C Wappner, second by Jill Pugh.

Final Resolution: Motion Carries

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

Action: 8.02 Recommendation to charge compliance issue #2017-1700037

Complaint:

Complainant alleges funeral director attended a continuing education program and signed another funeral director's name, who was not in attendance, in addition to their name on the sign-in sheet for continuing education credit.

Case synopsis:

A board inspector received a written statement from a person in attendance of a continuing education program on October 19, 2016. During the program, this person observed a funeral director signing their spouse's name to the attendance sign-in sheet in addition to their own name. The person observed that the spouse was not in attendance of the program.

A complaint was initiated by the board office. A notice was issued to the funeral director on December 29, 2016 informing of the complaint. This notice provided a copy of the complaint for reference and requested the funeral director submit a written response to the complaint along with copies of proof of continuing education hours for the funeral director.

A response to this complaint from the funeral director was received at the board office by mail on January 17, 2017. The funeral director admitted the allegation was true and apologized for their actions. The funeral director is accepting of any disciplinary action.

Violation(s):

ORC 4717.14 Disciplinary actions.

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

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

ORC 4717-8-01 Unprofessional conduct.

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

E) Violations of state or federal laws involving dishonesty, falsification, misrepresentation, deceit or deception.

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

Motion to charge the funeral director with violation of unprofessional conduct.

Motion by Jill Pugh, second by William C Wappner.

Final Resolution: Motion Carries

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

Action: 8.03 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.

2016-1600155

2017-1700035

2017-1700038

2017-1700039

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

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

Motion by William C Wappner, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Information: 8.04 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/AJNUHB7C1C2F/\\$file/Pending%20investigation%20list-%20Feb.%202017%20BOARD.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AJNUHB7C1C2F/$file/Pending%20investigation%20list-%20Feb.%202017%20BOARD.pdf)

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

Information: 8.05 Attorney General Case Update

Privileged and Confidential - Attorney and Client Communication and Work Product

Board meeting notation: Ms. Christie Limbert, board counsel, provided an update to the board on Mr. Ronald D. Garr. She reported that the recent court action initiated by Mr. Garr was dismissed. Ms. Limbert also reported to the board that a report and recommendation regarding George K. Flem was received. Mr. Flem will have an opportunity to respond to the hearing officer's report before it will be presented to the board at its next regular meeting.

9. Inspections

Information: 9.01 Inspector's Report

The board was provided a copy of "Inspection Monthly Report- All Inspectors- January 2017" 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/AJNRFJ6CFDFD/\\$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Jan.%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AJNRFJ6CFDFD/$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Jan.%202017.pdf)

The board was provided a copy of "Inspection Summary- All Inspectors- January 2017" 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/AJNRFQ6D0025/\\$file/Inspection%20Summary-%20All%20Inspectors-%20Jan.%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AJNRFQ6D0025/$file/Inspection%20Summary-%20All%20Inspectors-%20Jan.%202017.pdf)

Board meeting notation: Mr. Jon Rettig questioned Mr. Eric Anderson, board inspector, if there were any problems in the field at this time that he would like to comment on. Mr. Anderson replied that there were not.

10. Board Operations

Information: 10.01 Budget Overview

The board was provided a copy of "Vouchers January 2017" 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/AJNUBQ7B4B1F/\\$file/Vouchers%20from%20January%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AJNUBQ7B4B1F/$file/Vouchers%20from%20January%202017.pdf)

Board meeting notation: Mr. William Wappner commented on a voucher to "Vantiv Holding LLC." He stated that it was an expense that stood out, but understood it was related to bank fees charged for processing credit card transactions for license renewals.

11. Adjournment

Action: 11.01 Adjourn the Meeting

Motion to adjourn the meeting.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

Board meeting notation: The February 22, 2017 Meeting of the Board adjourned at 1:39 p.m.