

Regular Meeting (Wednesday, March 22, 2017)

Generated by Jarrod Williams on Wednesday, March 22, 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

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 Gabrielle Angner, Julie Neff, Abby Reeb, Kattie Royal, and Jarrett Wilson.

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/AKNLYC565B9D/\\$file/Executive%20Director%20Report%20March%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKNLYC565B9D/$file/Executive%20Director%20Report%20March%202017.pdf)

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

- The Conference annual meeting. Mr. Derickson provided a brief summary of his experiences during the three-day meeting held in Hilton Head, South Carolina.
- Update on board website. Mr. Derickson invited Mr. Danny Finfrock to update the board about the progress of the new board website. Mr. Finfrock stated that he notified Board Docs of the board's intention to discontinue use of their services in the near future. He added that backing up the information from Board Docs is a challenge and options to aid in the task are being pursued. Mr. Finfrock stated that he is currently building the forms portion of the website in order to provide access to the most sought after information.
- Preneed Report filings. Mr. Finfrock reported that approximately one-half of the total annual preneed reports mailed have been turned in to date.
- JCARR filings. Mr. Derickson invited Mr. Jarrod Williams to update the board on the five year review rules filing. Mr. Williams stated that the rules will be filed with JCARR this week. The intent is to have the rules filed in time to accommodate a required public hearing to be held between 31 and 40 days after the filing. The goal is to hold that hearing the same day as the April Board meeting. Mr. Rettig requested the hearing start time be at 11:00 a.m.

- Response to Active Aggressor Policy. Mr. Derickson invited Ms. Linda Clark to update the board on the new policy. Ms. Clark stated that the Department of Administrative Services has directed each agency to adopt an internal policy consisting of procedures and plans to follow in the event an agency or employee of an agency is involved in an active aggressor situation. She also stated each employee must review the web based training video produced by the Ohio Office of Public Safety and the Ohio State Highway Patrol. Additional on site training to agencies is offered by the Ohio State Highway Patrol.

Action: 2.02 Internal Board Policies & Procedures

The board was provided a copy of "Response to Active Aggressor" 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/AKNRMW6C522D/\\$file/Board%20Policy%20FUN%20IPP013%20\(Response%20to%20Active%20Aggressor\).pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKNRMW6C522D/$file/Board%20Policy%20FUN%20IPP013%20(Response%20to%20Active%20Aggressor).pdf)

Motion to adopt internal board policy No. FUN IPP013.

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: Mr. Tim Derickson stated that the Department of Administrative Services provided a template for agency's to use in drafting their internal policies. He added that this board's policy mirrors the template with minor changes.

3. President's Report

Information: 3.01 President's Report

Board meeting notation: Mr. Jon Rettig communicated the following:

- Mr. Rettig reminded the board members of the May 15, 2017 deadline to file their Financial Disclosure Statement.
- Mr. Rettig reminded all to complete their Ohio Ethics Law training required by The Ohio Ethics Commission. He added that the course is available online and is approximately one hour in length ending with a Certificate of Completion to print for proof of study. Mr. Rettig remarked that this online course would be acceptable towards the required continuing education hours specific to the subject of ethics.

Information: 3.02 Committee Reports

Board meeting notation: Mr. Jon Rettig shared brief summaries on topics of discussion while at The International Conference of Funeral Service Examination Boards (The Conference) annual meeting in early March:

- New Board Member Training was attended by Ms. Jill Pugh, Mr. Jon Rettig, and Mr. William Wappner.
- The American Academy McAllister Institute of Funeral Service, Inc testing scandal involving cheating on the National Board Exam. The school was accused by the Conference in 2013 of acquiring exam questions and answers and sharing this content with its students. The Conference continues its investigation into the breach and to identify school graduates who received the confidential content prior to testing and/ or shared the content after the exam. The Conference has invalidated passing scores of individuals discovered to have been involved in the cheating. Mr. Rettig suggested that more information may be located at the Conference's website.
- Ohio Laws and Rules Exam. Mr. Rettig stated there has been discussion between the Board, Ohio Funeral Directors Association, and the Conference about the state laws exam questions being up to date. It was determined by the licensed members of the Board that the exam was current.

4. Meeting Minutes

Action, Minutes: 4.01 Consideration of the February 22, 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

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

5. Persons Appearing Before the Board

Action: 5.01 Abigail C. Daffner, Applicant for DUAL Reciprocal License

The applicant has submitted an application for reciprocal license. The applicant is to appear before the board for an interview as required per OAC 4717-4-05(A) and may be subject to answer any questions from the board.

OAC4717-4-05 Requirements for reciprocal funeral director's license.

(A) The applicant shall personally appear before the board for an interview and based upon the results of this interview may be permitted to take such an examination as the board requires for a reciprocal license.

[abbreviated]

(C) The applicant for a reciprocal funeral director's license shall provide proof of earning a seventy-five per cent or higher on each section of a nationally-recognized comprehensive examination and sit for the Ohio laws and rules examination.

(D) Upon earning a passing score of seventy-five per cent or higher on each section of a nationally-recognized comprehensive examination and the Ohio laws and rules examination, the applicant shall submit to the board an application for funeral director's license, along with the applicable fee.

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. Abigail C. Daffner to the meeting and requested she stand before the board. Mr. Rettig asked Ms. Daffner if she had an opening statement. Ms. Daffner stated that she was appearing before the board seeking a reciprocal funeral director and embalmer's license. She remarked that she was currently licensed in state of Kentucky working for Dobbins, Muehlenkamp- Erschell Funeral Home in Bellevue. Ms. Daffner earned her bachelor's degree from the University of Cincinnati and graduated from the Cincinnati College of Mortuary Science.

Mr. Rettig asked Ms. Daffner if she had any issues before the Kentucky Board of Embalmers and Funeral Directors. Ms. Daffner replied that there were none.

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

Motion by William C Wappner, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Board meeting notation: Mr. Rettig informed Ms. Daffner that she was welcome to stay for remainder of the meeting, but was not obligated to. Ms. Daffner replied that she would be leaving to return to Kentucky.

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
Emb.009725 Fd.009845	Baker, Ashley E.	Bellevue, Ky
Fd.009846	Knapik, Kahlen M.	Cleveland
Emb.009726 Fd.009847	Scheanon, Constance L.	Ashtabula
Fd.009848	Steffes, James B.	Columbus
Emb.009727 Fd.009849	Levy, Tyler D.	Hicksville

Courtesy Cards to be Issued

License Number	Name	State
CCPM.000012	Drake, Edmond L.	Kentucky
CCPM.000013	Lewis, Tracy D.	Indiana

Licenses Requesting Inactive Status

License Number	Name	City
Dual.009156	Barker, Anthony D.	Ironton

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 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: 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 February '17

Type	Name	City
Dual	Green, Annissa	Toledo
Fd	Wise, Terry	Sunbury

Individuals Certified as an Apprentice in February '17

Type	Name	Funeral Home	City
Dual	Brehm, Robert	Edgar-Grisier FH	Wauseon
Dual	Bringer Meaghan	Thomas-Justin Memorial	Cincinnati
Dual	Gustin, Joseph	Dalbert Woodruff & Isenogle FH	Cincinnati
Fd	Johnson, Jason	Cisco Funeral Home	Celina
Dual	Kellogg, Quinaia	McCall Funeral Home	Cincinnati
Dual	Kennedy, Devan	Tufts-Schildmeyer FH	Loveland

Dual	Severance, Mallory	Carlson Funeral Home	Brunswick
Dual	Spears, Melissa	Schoedinger State St Chapel	Columbus
Dual	Starcovic, Rosemary	Schoedinger State St Chapel	Columbus
Dual	Wiget, Julia	R Scott David FH	W Portsmouth
Fd	Wise, Terry	DeVore-Snyder FH	Sunbury

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:

Change of Ownership / Existing Facility - New Facility License:

License #	Firm Title	Location
FH 003492	Wilson Funeral Home	Bridgeport
FH 003493	Wilson Funeral Home	Dillonvale
FH 003494	Wilson Funeral Home	Mingo Junction
FH 003495	Wilson Funeral Home	Tiltsville

Leasing Space - New Embalming Facility License:

New License #	Leasing To	Leasing From	Location
EFAC 000010	Appalachian Mortuary Services, LLC	SCHNEIDER-GRIFFIN FUNERAL HOME	Chesapeake

Name Changes:

License #	New Name	Current Name	Location
CREM 000173	Belmont County Cremation Service	PATRON CREMATION SERVICE	Morristown
FH 002892	Holick Craciun Funeral Home	CATAVOLOS-BERRY FH	Westlake
FH 003337	Matthew W. Conley & Troy R. Vanden Berg Funeral Home	MATTHEW W CONLEY FH	Youngstown
FH 003026	Porter-Qualls-Robinson Funeral Home	PORTER-QUALLS-DUNLAP FH	Springfield
FH 003197	Patron Funeral Homes & Crematory Kelly Kemp Braido	KELLY-KEMP-BRAIDO-PATRON FH	Bethsda
FH 003199	Patron Funeral Homes & Crematory Kelly Kemp Braido	KELLY-KEMP-BRAIDO-PATRON FH	Barnesville
FH 002944	Walter & Lewis Funeral Home	Walter & Stowe Funeral Home	Urbana

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

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

Board meeting notation: Mr. William Wappner questioned Mr. Danny Finrock if the Wilson Funeral Homes had an ownership change. Mr. Finrock replied that they had. There was no further discussion among the board.

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

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

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

License #	Firm Title	Licensee Name	Type	Location
003364	Clepper-Kelsch Funeral Home	HAY, JEFFREY A	AIC	Cincinnati
003263	EICHHOLTZ DARING & SANFORD FH	VAN HORN, KYLE S	MGR	Belle Center
003337	MATTHEW W CONLEY FH	TROY R VANDEN BERG	AIC	Youngstown
003337	MATTHEW W CONLEY FH	TROY R VANDEN BERG	MGR	Youngstown
003026	PORTER-QUALLS-DUNLAP FH	ROBINSON, RAY JR	MGR	Springfield
003026	PORTER-QUALLS-DUNLAP FH	ROBINSON, RAY JR	AIC	Springfield
003247	WALKER FH	WEAVER, DEBORAH J	MGR	Cincinnati
003298	WALKER FH	CHISLEY, LOUIS E	MGR	Cincinnati
002944	Walter & Stowe Funeral Home	Lewis, Frank	AIC	Urbana
002944	Walter & Stowe Funeral Home	Lewis, Frank	MGR	Urbana

Board meeting notation: Mr. William Wappner questioned Mr. Danny Finrock if Frank Lewis was licensed. Mr. Finrock replied that Mr. Lewis was licensed. There was no further discussion among the board.

7. Continuing Education

Action: 7.01 Continuing Education Programs

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

Continuing Education applications submitted within 30 days after the program date by Licensees for Individual Approval of Out of State Programs:

** did not complete 2015 - 2016 CE will used to renew 2017 - 2018 license*

License #	Name	Program Name	Hours
DUAL 008729	MUELLER, DEAN A	Developing Leaders Conference	5
DUAL 008531	CALIGURI, CAROLINE A	Airport Disaster Response & Family Assistance	7
*DUAL 009232	*FABRY, JOHN M	*Understanding Diversity of Grief	*1
*DUAL 009232	*FABRY, JOHN M	*Distracted Driving	*1

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/AKNV9G7FA63D/\\$file/2017%20March%20CE.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKNV9G7FA63D/$file/2017%20March%20CE.pdf)

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 A Dodson, William C Wappner, Jill Pugh

Board meeting notation: Mr. Jon Rettig reminded all that the board's continuing education committee previously discussed a preferred provider status for program providers and may return to the discussion at a later time. Mr. Rettig asked Mr. Danny Finrock when the continuing education audit will be

mailed. Mr. Finrock replied that he anticipates the forms to be mailed during late April. There was no further discussion among the board.

Action: 7.02 Continuing Education Exemptions

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

50 year Exemption: Starting / For 2017 - 2018

License #	Name	Date Issued
FD 005348	SAXTON, HARLAN F	05.09.1962

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, Jill Pugh

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

8. Compliance

Action: 8.01 Ratification of Settlement #1

The board was provided a copy of a redacted settlement in the agenda item details for review. The document may be located online at the following

link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKEMGT5ADF24/\\$file/Settlement%20%231 Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKEMGT5ADF24/$file/Settlement%20%231%20Redacted.pdf)

Board meeting notation: Ms. Christie Limbert, board counsel, provided a brief summary of the compliance case.

Motion to ratify Settlement #1 as presented.

Motion by Tommy Taneff, second by William C Wappner.

Final Resolution: Motion Carries

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

NOT VOTING (Abstain/Present): Jon Rettig

Post-meeting unredacted information: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Terry J. Adkins, license number DUAL.009082, of Adkins-Brant Funeral Home, license number FH.003256, of Portsmouth, Ohio concerning compliance case numbers 2017-1700009, 2017-1700011, and 2017-1700018.

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/AKES4V6A9409/\\$file/Settlement%20%232 Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKES4V6A9409/$file/Settlement%20%232%20Redacted.pdf)

Board meeting notation: Ms. Christie Limbert, board counsel, provided a brief summary of the compliance case.

Motion to ratify Settlement #2 as presented.

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

Post-meeting unredacted information: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Stroud-Lawrence Funeral Home, license number FH.003402, of Chagrin Falls, Ohio concerning compliance case numbers 2016-1600138.

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/AKFME4598AD5/\\$file/Settlement%20%233_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKFME4598AD5/$file/Settlement%20%233_Redacted.pdf)

Board meeting notation: Ms. Christie Limbert, board counsel, provided a brief summary of the compliance case and explained why the agreement contained the audit component.

Motion to ratify Settlement #3 as presented.

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

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 Roberta Brady, license number DUAL.008894, of Columbus, Ohio concerning compliance case numbers 2014-140006701 through 2014-140006708, and 2014-1400113.

Action, Report: 8.04 Report and Recommendation concerning compliance case #2016-160022

The board was provided a copy of the report and recommendation 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/AKENHR5F3A1E/\\$file/2016-160022-%20Rpt.%20%26%20Rec..pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKENHR5F3A1E/$file/2016-160022-%20Rpt.%20%26%20Rec..pdf)

Board meeting notation: Ms. Christie Limbert, board counsel, provided a brief summary of the hearing examiner's report and recommendation.

1. Motion to approve the findings of fact as presented in the hearing examiner's report and recommendation.

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

2. Motion to approve the conclusions of law as presented in the hearing examiner's report and recommendation.

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

3. Motion to approve the recommendation to deny the applicant's application for registration for funeral directing apprenticeship as presented in the hearing examiner's report and recommendation.

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: 8.05 Recommendation to charge compliance case #2017-170033

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

Complaint:

Complainant alleges funeral director plead guilty to one count of felony theft in federal court.

Case synopsis:

A complaint against a funeral director was initiated by the board office on December 8, 2016. A notice was issued to the funeral director on December 27, 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. The response was due by January 11, 2017.

A second notice to respond to the complaint was issued by certified mailing to the funeral director on February 8, 2017. A due date to respond by February 23, 2017 was specified. This letter included notification that failure to comply is a violation of OAC 4717-8-01. The board office received confirmation of delivery of the notice on February 15, 2017.

A written response from the funeral director was received at the board office by mail on March 7, 2017.

- *Footnote* - A funeral home was listed as one of three defendants in a lawsuit filed by Metropolitan Life Insurance Company on October 9, 2014. The funeral director of said funeral home was owner and actually in charge of and ultimately responsible for the funeral home at the time of filing. The nature of the suit involved the Employee Retirement Income Security Act of 1974; alleging the funeral director participated in theft of \$180,927.44 from someone else's Social Security retirement and survivor's insurance benefits from 1998 through 2013.

The case was heard by Judge Hon. Thomas M. Rose in Ohio Southern District Court of Dayton, Ohio. The funeral director plead guilty to one count of felony theft and Judge Rose ordered the funeral director to repay \$180,927.44 to Social Security Administration and was given 3 years' probation.

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:

(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.

(D) If the board of embalmers and funeral directors suspends or revokes a license held by a funeral director or a funeral home for any reason identified in division (A) of this section, the board may file a complaint with the court of common pleas in the county where the violation occurred requesting appointment of a receiver and the sequestration of the assets of the funeral home that held the suspended or revoked license or the licensed funeral home that employs the funeral director that held the suspended or revoked license. If the court of common pleas is satisfied with the application for a receivership, the court may appoint a receiver.

The board or a receiver may employ and procure whatever assistance or advice is necessary in the receivership or liquidation and distribution of the assets of the funeral home, and, for that purpose, may retain officers or employees of the funeral home as needed. All expenses of the receivership or liquidation shall be paid from the assets of the funeral home and shall be a lien on those assets, and that lien shall be a priority to any other lien.

The board was provided a redacted copy of the complaint 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/AKGTNN6DFDFE/\\$file/2017-1700033-%20copy%20of%20complaint_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKGTNN6DFDFE/$file/2017-1700033-%20copy%20of%20complaint_Redacted.pdf)

The board was provided a redacted copy of the response to the complaint 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/AKGTQF6E00A9/\\$file/2017-1700033-%20copy%20of%20response_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKGTQF6E00A9/$file/2017-1700033-%20copy%20of%20response_Redacted.pdf)

The board was provided a redacted copy of court charges 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/AKJQ2P599E33/\\$file/2017-1700033-%20copy%20of%20U.S.%20Charges_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKJQ2P599E33/$file/2017-1700033-%20copy%20of%20U.S.%20Charges_Redacted.pdf)

The board was provided a redacted copy of the court judgment 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/AKJQ2M599984/\\$file/2017-1700033-%20copy%20of%20Judgment%20Pages_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKJQ2M599984/$file/2017-1700033-%20copy%20of%20Judgment%20Pages_Redacted.pdf)

Board meeting notation: Ms. Christie Limbert, board counsel, provided a brief summary of the compliance case. There was no discussion among the board.

Motion to charge the licensee with violation of ORC4717.14(A)(2) and consider suspension of their DUAL licenses.

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

Post-meeting unredacted information: The board charged Robert C. Henry II, license No. DUAL.007521, of Springfield, Ohio.

Action: 8.06 Recommendation to charge compliance case #2017-1700034

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

Complaint:

Complainant alleges funeral director will not communicate with the consumer.

Case synopsis:

A complaint against a funeral home was received at the board office on December 15, 2016. A notice was issued to the funeral director actually in charge of the funeral home named in the complaint on December 27, 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 actually in charge of the funeral home. The response was due by January 11, 2017.

The funeral home had two funeral directors designated actually in charge of the funeral home with one being the owner. The owner closed the funeral home in December 2016. The funeral director who was not the owner has their own funeral home in the area.

A second notice to respond to the complaint was issued by certified mailing to the funeral director actually in charge of the funeral home named in the complaint on February 8, 2017. This notice was mailed to their own funeral home in the area. A due date to respond by February 23, 2017 was specified. This letter included notification that failure to comply is a violation of OAC 4717-8-01. The board office received confirmation of delivery of the notice on February 21, 2017. There has been no response from the funeral director to date.

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.

The board was provided a redacted copy of the complaint 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/AKGQ2W62E3FB/\\$file/2017-1700034-%20copy%20of%20complaint_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKGQ2W62E3FB/$file/2017-1700034-%20copy%20of%20complaint_Redacted.pdf)

Board meeting notation: Ms. Christie Limbert, board counsel, provided a brief summary of the compliance case and reminded Mr. Jon Rettig to abstain from voting due to a conflict of interest in the matter. There was no discussion among the board.

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

Motion by Tommy Taneff, second by William C Wappner.

Final Resolution: Motion Carries

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

NOT VOTING (Abstain/Present): Jon Rettig

Post-meeting unredacted information: The board charged Terry J. Adkins, license number DUAL.009082, of Swick-Bussa-Chamberlin Funeral Home, license number FH.002856, of Portsmouth, Ohio.

Action: 8.07 Recommendation to charge compliance case #2017-1700041

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

Complaint:

Complainant alleges funeral director failed to provide a statement of funeral expenses paid in full with relationship to the insurance policies amount expected to cover expenses.

Case synopsis:

A complaint against a funeral home was received at the board office on January 17, 2017. A notice was issued to the funeral director actually in charge of the funeral home named in the complaint on January 18, 2017 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 actually in charge of the funeral home. The response was due by February 1, 2017.

The funeral home had two funeral directors designated actually in charge of the funeral home with one being the owner. The owner closed the funeral home in December 2016. The funeral director who was not the owner has their own funeral home in the area.

A second notice to respond to the complaint was issued by certified mailing to the funeral director actually in charge of the funeral home named in the complaint on February 8, 2017. This notice was mailed to their own funeral home in the area. A due date to respond by February 23, 2017 was specified. This letter included notification that failure to comply is a violation of OAC 4717-8-01. The board office received confirmation of delivery of the notice on February 21, 2017. There has been no response from the funeral director to date.

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.

The board was provided a redacted copy of the complaint 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/AKGPHU5EDCE7/\\$file/2017-1700041-%20copy%20of%20complaint_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKGPHU5EDCE7/$file/2017-1700041-%20copy%20of%20complaint_Redacted.pdf)

Board meeting notation: Ms. Christie Limbert, board counsel, provided a brief summary of the compliance case. There was no discussion among the board.

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

Motion by Tommy Taneff, second by William A Dodson.

Final Resolution: Motion Carries

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

NOT VOTING (Abstain/Present): Jon Rettig

Post-meeting unredacted information: The board charged Terry J. Adkins, license number DUAL.009082, of Swick-Bussa-Chamberlin Funeral Home, license number FH.002856, of Portsmouth, Ohio.

Action: 8.08 Ratification of Closed Compliance Cases

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

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 2017-1700042

Complainant alleged the funeral home delayed burial of the deceased. The funeral home was contracted for cremation services in advance. The family of the deceased requested to amend the contracted services. The family needed to wait for the estate in order to pay for the additional services. Funds were later released to the funeral home, but the funeral home was notified and instructed to retain payments from the estate for a specific period of time because funds maybe eligible for recovery under the 1993 Medicaid Estate Recovery Mandate by the State of Ohio. After the waiting period, the funeral home applied the funds to provide the amended services. Investigation concluded the funeral home was not responsible for delay.

Case number 2017-1700043

Complainant alleged the funeral home released cremated remains to daughter of deceased instead of spouse that established arrangements and paid for services. The funeral home was contracted for cremation services for an individual who died in another state. The deceased was transported to Ohio. The spouse remained in the state of residence and instructed the daughter, who resided in Ohio, to finalize arrangements with the funeral home. The funeral home performed cremation and retained the cremated remains until the daughter of the deceased provided an special ordered urn as agreed. The funeral home placed the cremated remains into the urn and into a pendant and released both to the daughter. Investigation concluded that the funeral home delivered the cremated remains as contracted.

Case number 2017-1700045

Complainant alleged witnessing multiple occurrences of misconduct by employees of the crematory. Complainant affirmed informing the funeral director actually in charge of the funeral home of the incidents, but the claims were disregarded. The crematory owner disclosed to the investigator that the complainant was a former employee. Investigation concluded there was no evidence to support the complaint.

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

Board meeting notation: Mr. Jon Rettig stated that he was pleased to see the information included in the closed compliance cases agenda item. There was no discussion among the board.

Information: 8.09 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/AKHN6U5E73E5/\\$file/Pending%20investigation%20list-%20Mar.%202017%20BOARD.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKHN6U5E73E5/$file/Pending%20investigation%20list-%20Mar.%202017%20BOARD.pdf)

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

Information: 8.10 Attorney General Case Update

Privileged and Confidential - Attorney and Client Communication and Work Product

9. Inspections

Information: 9.01 Inspector's Report

The board was provided a copy of "Inspection Summary- All Inspectors- February 2017" in the agenda item details for review. The document may be located online at the following

link:ink: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKHJRH4971EC/\\$file/Inspection%20Summary-%20All%20Inspectors-%20Feb.%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKHJRH4971EC/$file/Inspection%20Summary-%20All%20Inspectors-%20Feb.%202017.pdf)

The board was provided a copy of "Inspection Monthly Report- All Inspectors- February 2017" in the agenda item details for review. The document may be located online at the following

link:link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKHK8J4DFF18/\\$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Feb.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKHK8J4DFF18/$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Feb.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. Mr. Tim Derickson stated that the inspectors have been very busy as of late and wanted to acknowledge their hard work with a statement of appreciation.

10. Board Operations

Information: 10.01 Budget Overview

The board was provided a copy of "Vouchers February 2017" in the agenda item details for review. The document may be located online at the following

link:link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKHGPQ44CB68/\\$file/Vouchers%20from%20February%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AKHGPQ44CB68/$file/Vouchers%20from%20February%202017.pdf)

Board meeting notation: Mr. William Wappner commented that two prepaid room reservations for The Conference annual meeting were cancelled due to Mr. Wappner providing accommodations for Mr. Rettig and himself. He reminded Mr. Jarrod Williams to check that those room reservations are refunded. Mr. Jon Rettig thanked Mr. Wappner for donating accommodations for two board members and saving the board the expense.

11. Executive Session

Action, Discussion: 11.01 Confidential Matters

Motion to go 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: Tommy Taneff, Jon Rettig, William A Dodson, William C Wappner, Jill Pugh

Board meeting notation: The board entered executive session at 1:56 p.m. The board reconvened to its regular session at 2:07 p.m.

12. Adjournment

Action: 12.01 Adjourn the Meeting

Motion to adjourn the meeting.

Motion by Tommy Taneff, second by William C Wappner.

Final Resolution: Motion Carries

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

Board meeting notation: The March 22, 2017 Meeting of the Board adjourned at 2:09 p.m.