

Regular Meeting (Wednesday, May 24, 2017)

Generated by Jarrod Williams on Wednesday, May 24, 2017

Members present

Tommy Taneff, Jon Rettig, William A Dodson, Jill Pugh, and Edward C Nurre

William Wappner was absent.

Meeting called to order at 1:10 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."

Information: 1.03 Introduction of New Board Member, Edward C. Nurre Jr.

Governor John R. Kasich announced Edward C. Nurre, Jr. of Cincinnati (Clermont Co.) has been appointed to the Board of Embalmers and Funeral Directors for a term beginning May 11, 2017, and ending June 30, 2017.

Board meeting notation: Mr. Jon Rettig introduced new board member Edward C. Nurre, Jr. and welcomed Mr. Nurre to his first meeting. Mr. Nurre expressed his appreciation for the opportunity to serve on the board. He shared recollection of a past practice when the board would mail their meeting minutes in a self-stamped envelope to its board members for signature of approval and remarked how times have changed. Mr. Nurre stated he is eager to learn and contribute to the board to the best of his abilities.

Recognition: 1.04 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 Alexandra Boesinger, Cameron Crofoot, Nathan McBeth, Katherine Phillips, and T. Anthony Vargo.

Information: 1.05 Office of the Ohio Auditor of State

A representative of the Office of the Ohio Auditor of State will present its audit report titled, "Ohio Board of Embalmers and Funeral Directors, Independent Accountant's Report on Applying Agreed-Upon Procedures for the period of January 1, 2016 through August 5, 2016."

The board was provided copy of "Ohio Board of Embalmers and Funeral Directors Independent Accountants' Report on Applying Agreed-Upon Procedures for the Period of January 1, 2016 through August 5, 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/AMMT9471234E/\\$file/Ohio Board of Embalmers and Funeral Directors 16 Franklin AUP.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMMT9471234E/$file/Ohio_Board_of_Embalmers_and_Funeral_Directors_16_Franklin_AUP.pdf)

Board meeting notation: Representing the Office of the Ohio Auditor of State were as follows:
Debbie Liddil, Chief Auditor, State Region
Allen Moore, Senior Audit Manager
Jessica Dyer, Staff Auditor

Mr. Allen Moore began his presentation by stating the report was not an audit, but a report on applying agreed-upon procedures. Mr. Moore read aloud the report beginning with page one.

Mr. Jon Rettig asked Mr. Moore what was meant by three timesheets were not approved. Mr. Moore replied that no evidence of approval for these timesheets was found. Mr. Thomas Taneff followed up with a question if the timesheets were self-approved. Mr. Moore responded that evidence of approval was not found. Mr. Taneff questioned Mr. Moore if this was a significant discovery. Mr. Moore answered that a finding with five to six percent or greater would equal a reportable finding to be included in the management letter to the agency with a recommendation for improvement.

Mr. Taneff questioned Mr. Moore if 26.7 percent disagreement of timesheets tested was significant or an error. Mr. Moore answered, yes.

Mr. Rettig asked Mr. Moore what was meant by the timesheet did not agree with the payroll register. Mr. Moore responded with explanation of the auditor's procedure.

Mr. Moore continued reading the report at "Pool Car Usage." Mr. Taneff asked Mr. Moore if the variances were a cause for concern. Mr. Moore explained that some variances could not be determined due to leave times not being included on the timesheet.

Mr. Moore continued reading the report at "Payroll Expenditures" regarding teleworking and remarked that there was no documentation of approval for teleworking. Mr. Rettig questioned Mr. Moore if the teleworking policy required documentation of approval. Mr. Moore answered that there was no way to tell.

Mr. Moore stated that the Office of the Ohio Auditor allows teleworking for its employees and has control procedures in place. Mr. Taneff asked Mr. Moore to compare the auditor's procedures with those of the board's. Mr. Moore responded that the board did not document a procedure for approval.

Mr. Rettig asked Mr. Moore if it was common for an employee to have approval. Mr. Moore answered, yes, but the board policy had no language of an approval procedure and leave was not documented. Mr. Taneff followed up with a question if he thought this was a high percentage of error. Mr. Moore replied, yes, because it was over five to six percent or greater.

Mr. Moore continued reading the report at "Pool Car Approval." He remarked that approval of the vehicle by the Secretary-Treasurer of the Board did not occur. Mr. Moore stated that the executive director signed their own name to the request form. Mr. Moore added that the request form was in line with a memo received from Ohio Department of Administrative Services Office of Fleet Management recommending the board obtain an

additional fleet vehicle for a board member, but the vehicle was assigned to the executive director. Mr. Rettig asked Mr. Moore if the executive director approved their own car. Mr. Moore answered, yes. Mr. Taneff followed up with a question if this was typical. Mr. Moore stated that auditors typically do not test vehicle acquisitions and therefore has no experience for comparison.

Ms. Debbie Liddil responded to Mr. Taneff's question by stating concurrence with Mr. Moore's response that auditors do not typically test vehicle transactions. She added that a state agency has the right to obtain a pool vehicle and assign that vehicle to its personnel for their usage.

Mr. Rettig stated that he understood the recommendation from DAS/ Office of Fleet Management to obtain the vehicle, but found it unusual the executive director used the vehicle for the purpose of commuting to work. Mr. Rettig declared for the record, "The Board did not obtain the vehicle, the executive director did."

Mr. Moore continued to read the report at "Pool Car Approval." He remarked there was no indication in the Meeting Minutes of the Board of an approval for the car by the Board. Mr. Taneff stated that he, nor the public, was apprised of the vehicle. Mr. Moore responded that the board had no policy in place to do so.

Mr. Taneff asked Mr. Moore if the Auditor's office could have performed other procedures. Mr. Moore answered, yes, if agreed on. Mr. Taneff suggested Mr. Moore educate him on how other procedures could aide in an audit.

Ms. Liddil responded to Mr. Taneff's question by stating that the information obtained is accurate for what was available and no conclusions can be made from the report. Additional information could have been subpoenaed and persons could have been interviewed, if agreed on.

Mr. Rettig asked Mr. Moore if this report is a red flag for issues prior to the time period included. Mr. Moore replied that there is nothing to compare it to without documentation.

Mr. Edward Nurre commented that it was concerning that the Board did not know of the car.

Mr. Rettig commented that he was very upset to learn the car was for the executive director.

Ms. Liddil stated that some agencies permit the executive director to obtain a car due to the nature of their work. Mr. Taneff reminded Ms. Liddil that the car was self-approved. Ms. Liddil went on to state that an executive director may be responsible to obtain their own vehicle if there is no board. She added that approval may also come from a committee or a sub-committee; even without the recommendation from DAS/ Office of Fleet Management.

Ms. Jill Pugh questioned if an executive director could obtain a pool car from DAS to attend an out-of-town meeting. Ms. Liddil answered, yes.

Mr. Rettig asked Board Inspector Troy Seehase about DAS vehicle policy. Mr. Seehase explained his responsibilities when using his assigned vehicle.

Mr. Moore continued to read the report at "Recommendations." Mr. Rettig suggested the board have no teleworking policy. He asked Mr. Moore to explain the monitoring and controls in place at the Auditor's Office. Mr. Moore replied that there were tests to see if the employee is working. Ms. Liddil added that monitoring is helped with supporting documentation and periodic checks of performance controls. Mr. Rettig asked Ms. Liddil for a suggestion on how to stop improper use of teleworking in the future. Ms. Liddil replied that the board enact a policy with specific uses for teleworking, as well as incorporate a system of checks and balances. Mr. Rettig thanked Ms. Liddil for her response.

Mr. Moore stated that DAS/ Office of Fleet Management policy states agencies should have their own internal policy regarding vehicles.

Mr. Taneff questioned board counsel if they had a comment. Ms. Christie Limbert replied that she had no comment.

Mr. Rettig asked what procedure was necessary to extend the auditor's evaluation. Ms. Liddil responded that the Board must submit a specific written request. The request would then be reviewed by the Auditor's Office to determine if it can be done.

Mr. Rettig asked the board if there was need to look further into additional agreed-upon procedures. Ms. Pugh responded that there seems to be a lack of documentation and likely nothing to verify. Mr. Rettig shared that he was distressed at the numbers within the report.

Mr. Rettig suggested the board to continue exploring extending an evaluation by the Auditor's Office. Mr. William Dodson agreed.

Ms. Pugh commented there was nothing to verify.

Ms. Limbert made a response to Ms. Pugh's statement by mentioning badge swipes in relation to leave times may be available for verification.

Mr. Moore responded to Ms. Limbert's comment by stating that would involve another department's records.

Mr. Dodson announced that the board is responsible to uncover any misdeeds and report it.

Mr. Rettig stated that he wanted a conclusion to the matter and would like to put together a committee to continue exploring the extension of the evaluation. The committee will include Jill Pugh as the Chairperson, Thomas Taneff, Jon Rettig, and Edward Nurre.

Motion for the committee to continue exploring an extension of the evaluation.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

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

2. Executive Director's Report

Information: 2.01 Interim Executive Director's Report

1. Update on New Website - went live on 05/15/2017
2. Update on Continuing Education Audit

Board meeting notation: Mr. Danny Finfrock commented on each of the topics listed in the agenda items details:

- The board website is now available. It is similar to Board Docs whereby information, forms, and updates concerning the board will be posted. Mr. Finfrock recommended all log in and password information of designated website users be kept by the board office.
- The Continuing Education Audit Form is complete and ready to be distributed. Mr. Finfrock asked the board members how they wished the audit forms to be sent to participants - all-at-once, one-half of total participants, or in another division. Mr. Jon Rettig asked the board for an opinion. Ms. Jill Pugh recommended the forms be sent in a way that was helpful for the board office.

3. President's Report

Information: 3.01 President's Report

Update on Public Hearing on proposed amendments to rules (JCARR) held on April 27, 2017.

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

- Mr. Rettig reported attending Ohio Funeral Directors Association (OFDA) Board Meeting on May 5, 2017.
- Mr. Rettig announced he will represent the board along with Interim Executive Director Danny Finfrock at the Joint Committee on Agency Rule Review (JCARR) Committee Meeting scheduled on May 30, 2017, to be held at the Ohio Statehouse.
- Mr. Rettig announced he will provide a one-hour presentation at Buckeye State Funeral Directors and Embalmers Association Annual Meeting scheduled on June 16, 2017 to be held in Cleveland, Ohio.

- Mr. Rettig announced he will provide a one-hour presentation at OFDA Master Training Seminar scheduled on June 21, 2017 to be held at OFDA Headquarters in Columbus, Ohio.

4. Meeting Minutes

Action, Minutes: 4.01 Consideration of the April 26, 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.

Board meeting notation: Mr. Jon Rettig asked Mr. Edward Nurre if he had an opportunity to review the April 26, 2017 Board Meeting Minutes. Mr. Nurre replied that he reviewed the minutes.

Motion to approve the meeting minutes as presented.

Motion by Jill Pugh, second by Edward C Nurre.
Final Resolution: Motion Carries

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

5. Persons Appearing Before the Board

Action: 5.01 Andrea M. Egbert, 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. Andrea M. Egbert to the meeting and requested she stand before the board. Mr. Rettig asked Ms. Egbert if she had an opening statement. Ms. Egbert stated that she was appearing before the board seeking a reciprocal funeral director and embalmer's license. Ms. Egbert went on to state she born and raised in Ohio. She added that after graduating Pennsylvania Institute of Mortuary Science (PIMS), Ms. Egbert remained in Pennsylvania for employment as an admissions advisor for PIMS and most recently with Beinhauer Family Funeral Homes and Cremation Services. Ms. Egbert stated she was currently living in Akron and working for Newcomer Funeral Home.

Mr. Rettig questioned Ms. Egbert if she earned a bachelor's degree. Ms. Egbert replied that she had. Mr. Rettig followed up asking if she had completed the Nation Board Examinations. Ms. Egbert replied that she passed.

Mr. Rettig questioned Ms. Egbert if she had been before the Pennsylvania State Board with any issues. Ms. Egbert answered that she had not.

Mr. Rettig asked the board members if there were any further questions. He followed up with a question to Ms. Linda Clark, board office staff, about Ms. Egbert's paperwork being all in order. Ms. Clark responded that all paperwork was complete.

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

Motion by William A Dodson, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Board meeting notation: Mr. Rettig welcomed Ms. Egbert back to Ohio and informed her that she was welcome to stay for remainder of the meeting, but was not obligated to.

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.009743 Fd.009865	Angel, Courtney D.	W Manchester
Emb.009744 Fd.009866	Badgett, Jennifer R.	Columbus
Emb.009745 Fd.009867	Castells, Jessica A.	West Chester
Emb.009746	Eckhardt, Jarrett L.	Sandusky

Fd.009868		
Emb.009747	Elias, Lisa A.	Beachwood
FD.009869		
Emb.009748	Hough, Erin M.	Wheeling, WV
Fd.009870		
Emb.009749	Kight, Kyle M.	Parma
Fd.009871		
Emb.009750	Miller, Justin D.	Monroe, MI
Fd.009872		

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

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

Motion by Tommy Taneff, second by Jon Rettig.

Final Resolution: Motion Carries

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

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 April '17

Type	Name	City
Dual	Evans, Tyrone	Maple Hts
Dual	Givan, Teresa	Cincinnati
Dual	Hail, Saleen	Milford
Dual	Heatherman, Lesley	Dayton

Individuals Certified as an Apprentice in April '17

Type	Name	Funeral Home	City
Fd	Burgan, Alicia	Karlo-Libby FH	Canton
Fd	Capretta, Melissa	DeJohn Funeral Home	Willoughby Hills
Dual	Watkins, Qween	Inman Funeral Home	Cleveland

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
Roberts Funeral Home	Mount Vernon
Preston Charles Funeral Home	Cincinnati

Change of Ownership / Existing Facility - New Facility License:

License #	Firm Title	Location
FH 003507	Hollowchak Funeral Home	Parma

Name Changes:

License #	Current Name	New Name	Location
FH 003423	Neville Funeral Home	Neville - Shank Funeral Home	Holland
FH 003422	Neville Funeral Home	Neville - Shank Funeral Home	Toledo

FH 003420	Hoeflinger-Bolander Funeral Home	Hoeflinger - Shank Funeral Home	Oregon
FH 003414	Blanchard-Strabler Funeral Home	Blanchard - Strabler - Shank Funeral Home	Toledo

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 Tommy Taneff.

Final Resolution: Motion Carries

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

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	Typ
003088	CORRIGAN-DEIGHTON FH	TAYLOR, CHARLES W JR	AIC
003088	CORRIGAN-DEIGHTON FH	TAYLOR, CHARLES W JR	MG
003489	Snow Funeral Home	COX, BENNY R	AIC
003489	Snow Funeral Home	COX, BENNY R	MG
003140	ZAK-THACKER & MONBARREN FH	THACKER, DONALD W	MG

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/AMMNP55E8A1A/\\$file/2017%20May%20CE.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMMNP55E8A1A/$file/2017%20May%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 Tommy Taneff, second by Edward C Nurre.

Final Resolution: Motion Carries

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

Action: 7.02 Continuing Education Exemptions

50 year Exemption: Starting / For 2017 - 2018

License #	Name	Date Issued
FD 005698	KATHLEEN M BOGNER	05.16.1967

Board meeting notation: Mr. Jon Rettig requested Ms. Linda Clark, board office staff, to explain the 50-Year Exemption application and its exclusions. Ms. Clark deferred the question to Danny Finrock, Interim Executive Director, to respond. Mr. Finrock explained the application was for an exemption of continuing education requirements specifically for a licensee who has been licensed by the board not less than fifty years. He added that the application will not be approved if the applicant is designated as the manager or funeral director actually in charge of and ultimately responsible for a funeral home, or designated as the actually in charge of an embalming facility. Mr. Finrock stated that if the licensee elects to remove their fifty year exemption later, they must notify the board and complete an amendment to the funeral home license application and make up the total number of continuing education hours of the compliance period in which the exemption was removed.

Motion to Approve

Motion by Jon Rettig, second by Jill Pugh.

Final Resolution: Motion Carries

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

8. Compliance

Action: 8.01 Timothy E. Werner- Request for reinstatement of DUAL licensure

License to be Re-instated

License Number	Name	City
Dual.007740	Werner, Timothy E.	Sioux Falls, SD

The board was provided copy of written letters in support of the applicant in the agenda item details for review. The documents may be located online at the following

links: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHR6K6B63EC/\\$file/Letter%20in%20support%20of%20Mr.%20Werner%20by%20Dan%20Werner.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHR6K6B63EC/$file/Letter%20in%20support%20of%20Mr.%20Werner%20by%20Dan%20Werner.pdf)

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHR6M6B6526/\\$file/Character%20Affirmation%20for%20Mr.%20Werner%20by%20Mary%20Graumann.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHR6M6B6526/$file/Character%20Affirmation%20for%20Mr.%20Werner%20by%20Mary%20Graumann.pdf)

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHR6P6B6613/\\$file/Character%20Affirmation%20for%20Mr.%20Werner%20by%20Ruth%20Stuhler.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHR6P6B6613/$file/Character%20Affirmation%20for%20Mr.%20Werner%20by%20Ruth%20Stuhler.pdf)

The board was provided copy of previous compliance cases before the board involving the applicant in the agenda details for review. The documents may be located online at the following links:

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS99718DF9/\\$file/Richland%20County%2C%20OH%20Court%20of%20Common%20Pleas%20Indictment%20copy.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS99718DF9/$file/Richland%20County%2C%20OH%20Court%20of%20Common%20Pleas%20Indictment%20copy.pdf)

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS9H7196F5/\\$file/2014-1400063-%20Rpt.%20%26%20Rec.%20copy.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS9H7196F5/$file/2014-1400063-%20Rpt.%20%26%20Rec.%20copy.pdf)

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS9K719942/\\$file/2014-1400063-%20Procedural%20Order%20copy.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS9K719942/$file/2014-1400063-%20Procedural%20Order%20copy.pdf)

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS9M719C48/\\$file/2014-1400063-%20Brief%20of%20Appellee%20copy.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHS9M719C48/$file/2014-1400063-%20Brief%20of%20Appellee%20copy.pdf)

Board meeting notation: Mr. Jon Rettig requested board counsel to explain the previous compliance cases before the board involving the applicant. Ms. Christie Limbert, board counsel, responded by providing a brief history of Mr. Werner. Ms. Limbert opined that Mr. Werner is likely seeking a reinstatement of his Ohio licenses to apply for reciprocal license in the state of South Dakota, where he resides.

Mr. Rettig shared concern that the letters of support are from members of Mr. Werner's family.

Mr. Edward Nurre commented that Mr. Werner's past compliance cases before the board resulted in significant disciplinary action.

Motion to disapprove the request for reinstatement of the embalmer license and the funeral director license previously issued to Timothy E. Werner.

Motion by Jon Rettig, second by Edward C Nurre.

Final Resolution: Motion Carries

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

Board meeting notation: Mr. Rettig opined that Mr. Werner's past troubles cannot re-emerge in South Dakota as a consequence of this board.

Mr. Thomas Taneff agreed with Mr. Rettig's comment and stated he respected the opinions shared among the board.

Action: 8.02 Report and Recommendation concerning compliance case #2015-150006788

The board was provided copy of "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/ALDQGS689E63/\\$file/2015-150006788-%20Rpt.%20%26%20Rec..pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/ALDQGS689E63/$file/2015-150006788-%20Rpt.%20%26%20Rec..pdf)

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, Jill Pugh, Edward C Nurre

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

Motion by Tommy Taneff, second by Edward C Nurre.

Final Resolution: Motion Carries

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

3. Motion to approve the recommendation to indefinitely suspend the funeral home license until the forfeiture previously ordered by the Board is paid as presented in the hearing examiner's report and recommendation.

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

Motion by Tommy Taneff, second by William A Dodson.

Final Resolution: Motion Carries

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

Action: 8.03 Ratification of Settlement #1

The board was provided a copy of a redacted settlement agreement 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/AMFJJ24CA028/\\$file/Settlement%20Agreement%20%231_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMFJJ24CA028/$file/Settlement%20Agreement%20%231_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 ratify Settlement #1 as presented.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Post-meeting unredacted information: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Arthur L. Rogers, license number DUAL.007135, of Arthur L. Rogers Funeral Service, Inc., license number FH.003440, of Cleveland, Ohio concerning compliance case number 2017-1700022.

Action: 8.04 Ratification of Settlement #2

The board was provided a copy of a redacted settlement agreement 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/AMMJLA4BA9B4/\\$file/Settlement%20Agreement%20%232_Redacted.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMMJLA4BA9B4/$file/Settlement%20Agreement%20%232_Redacted.pdf)

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

Mr. Jon Rettig shared concern about two different forfeiture amounts listed on page number 2 of the agreement. Ms. Limbert, responded that the error was discovered after the applicant signed and submitted the agreement to the board office. She stated the document will be amended to reflect the agreed five hundred dollars forfeiture.

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, Jill Pugh, Edward C Nurre

Post-meeting unredacted information: The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Lisa M. Hennessy, license number FD.009014, of Hennessy Funeral Home, license number FH.002419, of Akron, Ohio concerning compliance case number 2017-1700037.

Action: 8.05 Recommendation to rescind charges of compliance cases

Upon recommendation of board counsel, the board office staff respectfully requests the board to rescind charges and subsequent notices of violation with opportunity for a hearing issued and close the following compliance cases:

Case number 2015-150006737

Case number 2015-150006740

Case number 2015-150006760

Case number 2015-150006763

Case number 2015-150006765

Case number 2015-150006776

Case number 2015-150006782

Case number 2015-150006783

Case number 2015-150006784

Case number 2015-150006786

Case number 2015-150006790

Case number 2015-150006794

Case number 2016-1600015

Case number 2016-1600016

Case number 2016-1600017

Case number 2016-1600035

Case number 2016-1600038

Case number 2016-1600084

Case number 2016-1600091

Case number 2016-1600109

Case number 2016-1600130

Case number 2016-1600133

Case number 2016-1600141

Board meeting notation: Ms. Christie Limbert, board counsel, affirmed her recommendation to rescind charges and close the cases.

Mr. Edward Nurre questioned Ms. Limbert if a statute of limitations prompted the recommendation. Ms. Limbert responded that there was not; her recommendation stems from the length of due process in these cases.

Motion to rescind charges of the compliance cases listed in the agenda item details and the subsequent notices of violation with opportunity for hearing issued and close these compliance cases.

Motion by Tommy Taneff, second by William A Dodson.

Final Resolution: Motion Carries

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

Action: 8.06 Ratification of Closed Compliance Cases

FUN IPP003 - Investigative Process

The Executive Director, the Compliance Coordinator, and the Inspector may determine there is no probable cause identified in a written complaint; the Executive Director may close the case. A letter setting forth the reason for closure prior to presentation to the Board will be sent to the complainant and reported to the Board. Staff may consult with the Assistant Attorney General.

Case number 2017-1700049

Complainant alleged funeral home misled consumer during process of purchasing prearranged funeral services. Consumer believed they purchased services, but funeral home states they purchased product only.

The consumer insisted the funeral director who completed the pre-need contracts implied that "everything was included." The consumer believed they purchased services and merchandise for themselves and their spouse. The funeral home has produced documentation proving the consumer only purchased caskets without services or other merchandise. The investigation concluded there was no evidence to support the complaint.

The funeral home has offered the consumer direct cremation for the value of their irrevocable pre-need contracts. The funeral home expressed interest in assisting the consumer with reaching an amicable resolution to their complaint.

Case number 2017-1700053

Complainant alleged unsanitary conditions existed in funeral home.

The funeral home denies the allegations of unsanitary conditions. Board Inspector Eric Anderson visited the funeral home and did not find the funeral home to be in any condition as alleged. The investigation concluded there was no evidence to support the complaint.

Case number 2017-1700054

Complainant alleged funeral home advertised an unlicensed employee as a licensed funeral director.

The funeral home admitted the employee was inadvertently listed as a funeral director. The funeral home contends that the employee is, in fact, a licensed funeral director and embalmer in the state of Michigan and has a reciprocal license application pending with the Ohio Board. The funeral home insists this person is employed as the general manager to oversee the personnel and day-to-day operations and has never made funeral arrangements with families, nor embalmed bodies. The funeral home has since changed its advertisements. The investigation concluded the funeral home has resolved the complaint by amending its advertisements.

Case number 2017-1700058

Complainant alleged funeral home failed to include the name of spouse on the death certificate of the deceased.

The children of the deceased arranged the funeral services. The spouse contacted the funeral home from another state to inform of her existence and approve the children's arrangements. The spouse insisted that they were married, but estranged from the deceased at the time of death. The daughter of the deceased insists the marriage was invalid. The funeral home has provided proof that it received inconsistent and conflicting information provided by the spouse concerning the vital records information for the deceased. The funeral home suggested the spouse to file an affidavit with the local registrar. The investigation concluded the funeral home has no obligation to amend the death certificate.

Board meeting notation: Mr. Jon Rettig explained the Monthly Inspections Team (MIT) Meeting that occurs prior to the Board Meeting.

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

Motion by Tommy Taneff, second by Edward C Nurre.

Final Resolution: Motion Carries

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

Information: 8.07 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 following

link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMNLGP55F180/\\$file/Pending%20investigation%20list-%20May%202017%20BOARD.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMNLGP55F180/$file/Pending%20investigation%20list-%20May%202017%20BOARD.pdf)

Board meeting notation: Mr. Jon Rettig asked the board if there were any questions for the inspectors. There were no questions.

Information: 8.08 Attorney General Case Update

Privileged and Confidential - Attorney and Client Communication and Work Product

Board meeting notation: Mr. Jon Rettig shared a copy of his report with Mr. Edward Nurre to review.

Ms. Christie Limbert, board counsel, commented that she was still awaiting decision from Franklin County Court of Common Pleas on the litigation matter the board was included. Ms. Limbert opined that the court is likely to dismiss the board from the case.

9. Annual Preneed Funeral Contract Report Form

Action: 9.01 Recommendation to charge licensee with submitting a report late - First Offense

Complaint:

Complainant alleges the funeral home failed to submit the annual pre-need funeral contract report form to the board office in a timely manner.

Case synopsis:

The board office received the annual pre-need funeral contract report form after the March 30 due date from a total of eighteen funeral homes. The board office initiated the following thirteen compliance issues for funeral homes that submitted the report late for the first time.

#2017-1700065

#2017-1700066

#2017-1700067

#2017-1700068

#2017-1700069

#2017-1700070

#2017-1700072

#2017-1700073

#2017-1700074

#2017-1700075

#2017-1700076

#2017-1700077

#2017-1700080

OAC4717-10-01 Preneed funeral contract annual report.

(A) Unless exempt from compliance under section [4717.38](#) of the Revised Code or otherwise not required to file an annual report with the board pursuant to division (K) of section [4717.31](#) of the Revised Code, each year no later than the thirtieth day of March, a seller of preneed funeral contracts who is subject to sections [4717.31](#) to [4717.38](#) of the Revised Code shall file an annual report relating to all existing funded preneed contracts as of December thirty-first of the prior calendar year. The report shall be submitted on a form provided by the board and shall include, but not be limited to the following:

(1) The name of the beneficiary of each trust account or insurance policy as of the thirty-first day of December;

(2) An account or policy number for each trust account or insurance policy as of the thirty-first day of December;

(3) The account balance of each trust account as of the thirty-first day of December;

(4) Any activity on each trust account in the calendar year immediately preceding the thirty-first day of December;

(5) Information indicating whether the trust funds in each trust account were invested in accordance with Chapter 1111. of the Revised Code in the calendar year immediately preceding the thirty-first day of December;

(6) In the event that the trustee of the account is a natural person, evidence of the existence and amount of any corporate surety bond for each account as of the thirty-first day of December.

(B) An affidavit certifying items in paragraphs (A)(1) to (A)(6) of this rule signed by the funeral director actually in charge of and ultimately responsible for the funeral home.

Violation(s):

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:

(I) Failure to submit the preneed funeral contract annual report by the thirtieth day of March of each year.

OAC4717-12-01 Forfeitures.

(A) For purposes of division (A)(9) of section [4717.04](#) of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717. of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section [4717.15](#) of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(3) For committing unprofessional conduct, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of five hundred dollars to a maximum fine of five thousand dollars.

Board meeting notation: Mr. Jon Rettig asked board counsel to explain the settlement process. Ms. Christie Limbert, board counsel, responded by stating the settlement process is similar to other licensing boards such the Ohio State Barber Board and the Ohio State Board of Cosmetology, whereby a settlement agreement may be offered to a licensee along with their notice of opportunity for a hearing when charges of violation occur. Ms. Limbert shared that this process has potential to save time and money for the board and licensee. She cautioned that the settlement may be refused by either party; thus committing the board to participate in an adjudicatory hearing due to a timely request from the licensee or Goldman hearing because there was no request.

Mr. Rettig recommended the minimum forfeiture amount be five hundred dollars for the thirteen compliance cases listed above as late- first offense.

Mr. Danny Finrock explained to the board why the funeral director actually in charge of the funeral home was identified as the licensee to charge with violation(s).

Motion to charge the funeral director actually in charge of and ultimately responsible for the funeral home with violation of ORC4717.14(A)(4), specifically OAC4717-8-01(I); and impose a minimum forfeiture amount of five hundred dollars.

Motion by Tommy Taneff, second by Jill Pugh.

Final Resolution: Motion Carries

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

Post-meeting information: Matters were referred to only by compliance issue number during discussion among the board. The following thirteen funeral homes were charged:

A. Ripepi & Sons Funeral Home, Inc. (FH.002631)

A. Ripepi & Sons Funeral Home, Inc. (FH.002685)

Baker-Hazel & Snider Funeral Home (FH.002656)

Cook & Son-Pallay Funeral Home (FH.001718)

Finfrock-Gordon Funeral Home (FH.001293)

Formet-Clevenger & Gordon Funeral Home, Inc. (FH.000993)

Baker, Osinski, Kensinger Funeral Home, Inc. (FH.002581)

Lehman-Dzendzel Funeral Home (FH.003396)

McKinley Funeral Home (FH.000961)

Nickels & Andrade Funeral Home (FH.002653)

Foos and Foos Funeral Service (FH.002981)

Foos Funeral Home (FH.003231)

Frings & Bayliff Funeral Home (FH.001483)

Action: 9.02 Recommendation to charge licensee with submitting a report late - Second Offense

Complaint:

Complainant alleges the funeral home failed to submit the annual pre-need funeral contract report form to the board office in a timely manner.

Case synopsis:

The board office received the annual pre-need funeral contract report form after the March 30 due date from a total of eighteen funeral homes. The board office initiated the following four compliance issues for funeral homes that submitted the report late for the second time:

#2017-1700064 - The funeral home was charged in 2015 for submitting its report late. A \$500.00 fine was paid in 2015.

#2017-1700071 - The funeral home was charged in 2016 for submitting its report late. A Settlement Agreement was accepted. A \$350.00 fine was paid in 2016.

#2017-1700078 - The funeral home was charged in 2007 for failure to submit its report. A \$500.00 fine was paid in 2007.

#2017-1700081 - The funeral home was charged in 2014 for failure to submit its report. A Settlement Agreement was accepted. A \$1,000.00 fine was paid in 2014.

Violation(s):

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:

(I) Failure to submit the preneed funeral contract annual report by the thirtieth day of March of each year.

OAC4717-12-01 Forfeitures.

(A) For purposes of division (A)(9) of section [4717.04](#) of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717. of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section [4717.15](#) of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(3) For committing unprofessional conduct, the board may impose a fine as follows:

(b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.

Motion to charge the funeral director actually in charge of and ultimately responsible for the funeral home with violation of ORC4717.14(A)(4), specifically OAC4717-8-01(I); and impose a minimum forfeiture amount of seven thousand five hundred dollars.

Motion by Tommy Taneff, second by Edward C Nurre.

Final Resolution: Motion Carries

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

Post-meeting information: Matters were referred to only by compliance issue number during discussion among the board. The following four funeral homes were charged:

Armstrong Funeral Home (FH.003175)

Pernel Jones & Sons Funeral Home, Inc. (FH.002251)

Watson's Funeral Home, Inc. (FH.002013)

Sommerville Funeral Services (FH.001062)

Action: 9.03 Recommendation to charge licensee with submitting a report late - Third Offense

Complaint:

Complainant alleges the funeral home failed to submit the annual pre-need funeral contract report form to the board office in a timely manner.

Case synopsis:

The board office received the annual pre-need funeral contract report form after the March 30 due date from a total of eighteen funeral homes. The board office initiated the following one compliance issue for a funeral home that submitted the report late for the third time:

#2017-1700079

1. The funeral home was previously charged in 2014 for submitting its report late. A \$500.00 fine was paid in 2014.

Violation(s):

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:

(I) Failure to submit the preneed funeral contract annual report by the thirtieth day of March of each year.

OAC4717-12-01 Forfeitures.

(A) For purposes of division (A)(9) of section [4717.04](#) of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717. of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section [4717.15](#) of the Revised Code. The amount of the

forfeiture shall be in accordance with the following schedule:

(3) For committing unprofessional conduct, the board may impose a fine as follows:

(b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.

Board meeting notation: Mr. Jon Rettig recommended the minimum forfeiture amount be seven thousand five hundred dollars for the one compliance case listed above as late- third offense.

Mr. Rettig advised the apprentices attending the meeting to understand the responsibility of the funeral director actually in charge of a funeral home.

Motion to charge the funeral director actually in charge of and ultimately responsible for the funeral home with violation of ORC4717.14(A)(4), specifically OAC4717-8-01(I); and impose a minimum forfeiture amount of seven thousand five hundred dollars.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

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

Post-meeting information: Matters were referred to only by compliance issue number during discussion among the board. The following funeral home was charged:

Lucas Memorial Chapel (FH.003076)

Action: 9.04 Recommendation to charge licensee with failing to submit a report - First Offense

Complaint:

Complainant alleges the funeral home failed to submit the annual pre-need funeral contract report form to the board office.

Case synopsis:

The board office has not received the annual pre-need funeral contract report form from a total of seven funeral homes. The board office initiated the following five compliance issues for funeral homes that failed to submit the report for the first time:

#2017-1700082

#2017-1700084

#2017-1700085

#2017-1700086

#2017-1700087

OAC4717-10-01 Preneed funeral contract annual report.

(A) Unless exempt from compliance under section [4717.38](#) of the Revised Code or otherwise not required to file an annual report with the board pursuant to division (K) of section [4717.31](#) of the Revised Code, each year no later than the thirtieth day of March, a seller of preneed funeral contracts who is subject to sections [4717.31](#) to [4717.38](#) of the Revised Code shall file an annual report relating to all existing funded preneed contracts as of December thirty-first of the prior calendar year. The report shall be submitted on a form provided by the board and shall include, but not be limited to the following:

- (1) The name of the beneficiary of each trust account or insurance policy as of the thirty-first day of December;
- (2) An account or policy number for each trust account or insurance policy as of the thirty-first day of December;

(3) The account balance of each trust account as of the thirty-first day of December;

(4) Any activity on each trust account in the calendar year immediately preceding the thirty-first day of December;

(5) Information indicating whether the trust funds in each trust account were invested in accordance with Chapter 1111. of the Revised Code in the calendar year immediately preceding the thirty-first day of December;

(6) In the event that the trustee of the account is a natural person, evidence of the existence and amount of any corporate surety bond for each account as of the thirty-first day of December.

(B) An affidavit certifying items in paragraphs (A)(1) to (A)(6) of this rule signed by the funeral director actually in charge of and ultimately responsible for the funeral home.

Violation(s):

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:

(I) Failure to submit the preneed funeral contract annual report by the thirtieth day of March of each year.

OAC4717-12-01 Forfeitures.

(A) For purposes of division (A)(9) of section [4717.04](#) of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717. of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section [4717.15](#) of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(3) For committing unprofessional conduct, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of five hundred dollars to a maximum fine of five thousand dollars.

Board meeting notation: Mr. Jon Rettig recommended the minimum forfeiture amount be one thousand dollars for the five compliance cases listed above as failed to submit a report- first offense. Mr. Rettig added that the preneed report must also be submitted.

Motion to charge the funeral director actually in charge of and ultimately responsible for the funeral home with violation of ORC4717.14(A)(4), specifically OAC4717-8-01(I); and impose a minimum forfeiture amount of one thousand dollars.

Motion by Jon Rettig, second by Jill Pugh.

Final Resolution: Motion Carries

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

Post-meeting information: Matters were referred to only by compliance issue number during discussion among the board. The following five funeral homes were charged:

C. Brown Funeral Home, Inc. (FH.001214)

Golub Funeral Home (FH.000214)

H H Roberts Mortuary, Inc. (FH.000834)

Shoffstall Funeral Home (FH.002945)

Shoffstall Funeral Home, Inc. (FH.003336)

Action: 9.05 Recommendation to charge licensee with failing to submit a report - Second Offense

Complaint:

Complainant alleges the funeral home failed to submit the annual pre-need funeral contract report form to the board office.

Case synopsis:

The board office has not received the annual pre-need funeral contract report form from a total of seven funeral homes. The board office initiated the following two compliance issues for funeral homes that failed to submit the report for the second time:

#2017-1700083 - This funeral home was previously charged in 2007 for failure to submit its annual pre-need report. A \$500.00 fine was paid in 2007.

#2017-1700088 - This funeral home was previously charged in 2015 for failure to submit its annual pre-need report. A Goldman hearing occurred. A Settlement Agreement was accepted. A \$1,000.00 fine was paid in 2016.

OAC4717-10-01 Preneed funeral contract annual report.

(A) Unless exempt from compliance under section [4717.38](#) of the Revised Code or otherwise not required to file an annual report with the board pursuant to division (K) of section [4717.31](#) of the Revised Code, each year no later than the thirtieth day of March, a seller of preneed funeral contracts who is subject to sections [4717.31](#) to [4717.38](#) of the Revised Code shall file an annual report relating to all existing funded preneed contracts as of December thirty-first of the prior calendar year. The report shall be submitted on a form provided by the board and shall include, but not be limited to the following:

- (1) The name of the beneficiary of each trust account or insurance policy as of the thirty-first day of December;
- (2) An account or policy number for each trust account or insurance policy as of the thirty-first day of December;
- (3) The account balance of each trust account as of the thirty-first day of December;
- (4) Any activity on each trust account in the calendar year immediately preceding the thirty-first day of December;

(5) Information indicating whether the trust funds in each trust account were invested in accordance with Chapter 1111. of the Revised Code in the calendar year immediately preceding the thirty-first day of December;

(6) In the event that the trustee of the account is a natural person, evidence of the existence and amount of any corporate surety bond for each account as of the thirty-first day of December.

(B) An affidavit certifying items in paragraphs (A)(1) to (A)(6) of this rule signed by the funeral director actually in charge of and ultimately responsible for the funeral home.

Violation(s):

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:

(I) Failure to submit the preneed funeral contract annual report by the thirtieth day of March of each year.

OAC4717-12-01 Forfeitures.

(A) For purposes of division (A)(9) of section [4717.04](#) of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717. of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section [4717.15](#) of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(3) For committing unprofessional conduct, the board may impose a fine as follows:

(b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.

Board meeting notation: Mr. Jon Rettig recommended the minimum forfeiture amount be seven thousand five hundred dollars for the two compliance cases listed above as failed to submit a report-second offense. Mr. Rettig added that the preneed report must also be submitted.

Motion to charge the funeral director actually in charge of and ultimately responsible for the funeral home with violation of ORC4717.14(A)(4), specifically OAC4717-8-01(I); and impose a minimum forfeiture amount of seven thousand five hundred dollars.

Motion by Tommy Taneff, second by Jon Rettig.

Final Resolution: Motion Carries

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

Post-meeting information: Matters were referred to only by compliance issue number during discussion among the board. The following two funeral homes were charged:

F D Mason Memorial Funeral Home (FH.002904)

Wayne T. Lee Funeral Service (FH.000424)

10. Inspections

Information: 10.01 Inspector's Report

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

link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMMJC449F39E/\\$file/Inspection%20Summary-%20All%20Inspectors-%20Apr.%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMMJC449F39E/$file/Inspection%20Summary-%20All%20Inspectors-%20Apr.%202017.pdf)

The board was provided a copy of "Inspection Monthly Report- All Inspectors- April 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/AMML62510318/\\$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Apr.%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMML62510318/$file/Inspector%20Monthly%20Report-%20All%20Inspectors-%20Apr.%202017.pdf)

Board meeting notation: Mr. Jon Rettig asked the two inspectors if they wanted to share any issues or concerns from the field. Both inspectors replied that they did not have any at this time.

11. Board Operations

Information: 11.01 Budget Overview

The board was provided a copy of "Vouchers April 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/AMHONM6835D6/\\$file/Vouchers%20from%20April%202017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/AMHONM6835D6/$file/Vouchers%20from%20April%202017.pdf)

Board meeting notation: Mr. Jon Rettig asked Danny Finfrock about the voucher payment to Diversity Search Group (DSG). Mr. Finfrock explained that the payment to DSG was for the temporary employment services of Leslie Robinson.

12. Adjournment

Action: 12.01 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 A Dodson, Jill Pugh, Edward C Nurre

Board meeting notation: Prior to adjournment of the meeting, Mr. Jon Rettig distributed a paper handout named, "Proposed Amendments to ORC 4717.31, May 12, 2017" to board members. Mr. Rettig stated this document included proposed changes to language within the law concerning the sale and solicitation of preneed funeral contracts. He anticipates the changes to be lobbied for insertion to House Bill #49 currently being considered by Ohio legislators. Mr. Rettig read aloud the proposed changes and asked board members for their opinion. There was discussion among the board. There was consensus among the board to not support the proposed amendments. Mr. Rettig recommended the board record its decision in the meeting minutes proclaiming its position.

Motion to proclaim the Board opposes the proposed amendments to ORC 4717.31 as included in the attached copy, "Proposed Amendments to ORC 4717.31, May 12, 2017."

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

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

The May 24, 2017 Meeting of the Board adjourned at 2:50 p.m.