

Special Meeting of the Board (Monday, July 31, 2017)

1. **Convening of the Board – President**

Meeting called to order at 11:02 a.m.

1.01 Calling of the Roll

Members present: Thomas Taneff, Jill Pugh, William Wappner, Edward Nurre, and Jon Rettig

Mr. Jon Rettig stated for the record a quorum of the board was present.

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.”

Mr. Rettig cited Ohio Administrative Code 4717-2-01, “Special meetings of the board may be called by the president with twenty-four hours prior notice being given to its members. At special meetings the board may transact such business as it deems necessary.”

Mr. Rettig introduced Mr. Daniel Murry, Assistant Attorney General, as board counsel in attendance of the meeting. Mr. Rettig requested board members to direct their questions to Mr. Murry.

Mr. Rettig introduced Ms. Laura Monick, Registration and Resolution Section Chief of the Department of Commerce/ Division of Real Estate & Professional Licensing as a representative the Ohio Cemetery Dispute Commission in attendance of the meeting. Three members of the Ohio Cemetery Dispute Commission also serve the Crematory Review Board.

2. **To Consider Charges and a Summary Suspension**

2.01 To consider charges and a summary suspension of a license; specifically crematory license #000164, Premium Mortuary Services, LLC.

Mr. Rettig questioned the board members if all had an opportunity to read the written allegations within the meeting agenda.

Mr. Rettig read aloud the motion to charge Premium Mortuary Services, LLC [Crematory], license number CREM.000164, with seven (7) violations of ORC 4717.14 (A)(3), specifically ORC 4717.26 (B)(1), and seven (7) violations of ORC 4717.14 (A)(4), and one (1) violation of ORC 4717.26(G). He asked if there was a motion to charge.

The motion was moved as presented by Thomas Taneff and seconded by Edward Nurre.

Mr. Rettig asked the board for discussion.

Ms. Jill Pugh asked for the location of the crematory. Mr. William Wappner responded to Ms. Pugh by recounting the written allegations identified Carlisle, Ohio.

Ms. Pugh stated the allegations indicated a person's date of death was Christmas Eve of 2016 and not delivered to the crematory until early February 2017. She questioned how and/ or why it took so long to deliver the body; and why no one followed up with the crematory about the cremated remains. Mr. Daniel Murry, board counsel, responded to Ms. Pugh by requesting the discussion include only the information within the recommendation to charge information.

Mr. Thomas Taneff selected the name of CS, whose listed date of death was April 01, 2017 [from the status chart of each deceased body at the time of inspection] and questioned why the body would still be at the crematory. He cited the chart indicated the name NR died Christmas Eve of 2016. Mr. Taneff pointed out that this body has been there the longest amount of time and questioned why that body hasn't been cremated. Mr. Taneff also questioned why the body named RV was authorized to be cremated March 24, 2017 and was not soon thereafter. Mr. Murry responded to Mr. Taneff by stating answers to his questions are unknown at this time. Mr. Taneff questioned Mr. Murry if he may ask board staff for their input. Mr. Murry replied that board staff could not answer.

Mr. Taneff mentioned page number 5 noted the board does not have the authority, by law, to remove or transfer the deceased bodies and cremains. He questioned if the board can change this through legislation. Mr. Rettig replied to Mr. Taneff by reminding the board does not legislate. Another entity may lobby legislators about a change, but the board cannot.

Mr. Edward Nurre questioned if the board contacted the county coroner. Mr. Murry replied that the executive director had.

Mr. Rettig stated that if the board voted to suspend, the coroner and funeral homes involved would be notified.

Mr. Taneff questioned why the funeral homes who contracted the crematory did not follow up with the crematory about the cremated remains.

Ms. Pugh recommended the board suspend the crematory first and then possibly look into the funeral homes involved.

Mr. Murry suggested the board defer discussion about the funeral homes to another meeting. He reminded all the purpose of the meeting today is to discuss and act on the charges presented.

Mr. Taneff questioned, if the board votes to suspend, will the coroner retrieve the bodies from the crematory. Mr. Rettig replied to Mr. Taneff that he too was frustrated the board cannot assist, but reminded the law gives the authority to the coroner to remove or transfer the deceased bodies and cremains.

Mr. William Wappner questioned if the board could add charges. Mr. Rettig replied the board cannot. Mr. Wappner followed up with questioning if the charge of abuse of a corpse was discussed. Mr. Murry responded to Mr. Wappner by stating the charge was discussed between himself and Mr. Danny Finfrock, Interim Executive Director.

Mr. Rettig commended all involved for working over the past weekend and shared his gratitude.

Mr. Rettig asked the board if there were any further questions or discussion on the charges. There was no further discussion among the board.

Mr. Rettig asked Mr. Finfrock to call the roll for vote.

Motion moved as presented.

Motion by Thomas Taneff, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Jill Pugh, William Wappner, Edward Nurre, Jon Rettig

Mr. Rettig requested the meeting minutes show the motion passed by a unanimous vote.

Mr. Rettig read aloud the motion to suspend Premium Mortuary Services, LLC. He read, "Upon review of the written allegations prepared by the executive director, and finding clear and convincing evidence that the licensee's continued practice presents a danger of immediate and serious harm to the public, motion to suspend Premium Mortuary Services, LLC [Crematory], license number CREM.000164."

The motion was moved as presented by Thomas Taneff and seconded by William Wappner.

Mr. Rettig asked the board for discussion and reminded all that questions should be addressed to board counsel.

Mr. Nurre questioned if there was a specific time period of suspension. Mr. Murry replied that a suspension would remain in effect, unless reversed on appeal, until a final order was issued.

Ms. Pugh asked Mr. Murry if the suspension would be immediate. Mr. Murry replied it would.

Mr. Finrock questioned Mr. Murry if the notice of suspension should be served by hand-delivery or certified mailing. Mr. Murry suggested the board decide to suspend, or not, and then discuss and determine the method of service.

Mr. Rettig informed all that the crematory is entitled to a hearing before the Crematory Review Board. He also reminded all that Mr. William Wappner is the chairperson of that board.

Ms. Pugh asked why the Board of Embalmers and Funeral Directors decides to suspend and not the Crematory Review Board. Mr. Murry replied that according to statute, this board must decide to suspend first.

Mr. Wappner stated that the Crematory Review Board will hold a hearing and then forward their findings to the Board of Embalmers and Funeral Directors.

Mr. Rettig explained to all the process of the adjudicatory hearing.

Mr. Nurre asked if the owner of the crematory was notified of the pending suspension. Mr. Rettig responded to Mr. Nurre stating that all information concerning this meeting was made public.

Ms. Pugh questioned if the identity of the complainant was known. Mr. Murry responded to Ms. Pugh that the identity was not known.

Mr. Rettig asked the board for any further questions or discussion on the suspension. There was no further discussion among the board.

Mr. Rettig asked Mr. Finrock to call the roll for vote.

Motion moved as presented.

Motion by Thomas Taneff, second by William Wappner

Final Resolution: Motion Carries

Yes: William Wappner, Edward Nurre, Thomas Taneff, Jill Pugh, Jon Rettig

Mr. Rettig requested the meeting minutes show the motion passed by a unanimous vote.

Mr. Rettig asked the board members if they had any further questions for board counsel. There were no further questions from the board.

Mr. Rettig thanked all for attending the special meeting on short notice. He expressed gratitude to all involved in preparing for the meeting.

3.0 **Adjourn the Meeting**

3.01 Adjournment

Mr. Rettig asked for a motion to adjourn the meeting.

Mr. Thomas Taneff motioned to adjourn the meeting. Ms. Jill Pugh seconded Mr. Taneff's motion.

Mr. Rettig asked Mr. Finfrock to call the roll for vote.

Motion by Thomas Taneff, second by Jill Pugh

Final Resolution: Motion Carries

Yes: Jill Pugh, Thomas Taneff, William Wappner, Jon Rettig, Edward Nurre

The Special Meeting of the Board adjourned at 11:17 a.m.