

## January 24, 2018 Meeting of the Board

### 1. Convening of the Board – President Rettig

Meeting called to order at 10:49 a.m.

#### Calling of the Roll

Members present: Marcella Boyd Cox, Edward Nurre, Jill Pugh, Jon Rettig and Thomas Taneff.

Mr. Jon Rettig announced that Mr. William Wappner was absent. He added that Mr. Wappner's absence today was known in advance and thus excused. Mr. Rettig stated for the record a quorum of the board was present.

#### 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."

#### 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.

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 Saleen Hail, Kelsey Haskins, Devan Kennedy, Ronald Maxwell, Nicholas Nester, Richard Scott, Vanessa Summers, Brenden Sweigart, and Bryan Walker.

In addition to apprentices, Mr. Rettig recognized others in attendance of the meeting: Jack Lechner and Elizabeth Williams of Cincinnati College of Mortuary Science, and license applicant Todd Steiner and his father Don.

### 2. Board Business

## Executive Director's Report

Mr. David Ingram read aloud the content of the executive director's report and communicated the following in addition:

- Mr. Ingram reported the board's expenses and revenue numbers from the budget overview. Mr. Jon Rettig stated that he reviewed the budget overview and approved of the report;
- Mr. Ingram offered thanks and appreciation to the board staff for their work on Automated Reporting Preneed Payment System (ARPPS) Registration. He commented that the board office received a flood of telephone and email communications from funeral homes across Ohio after January 1 seeking assistance in registering prior to the January 15th deadline. Mr. Ingram and the staff devoted about a two weeks' worth of time helping funeral homes register. He reported there are still many funeral homes that have not completed the process of registration in ARPPS;
- Mr. Ingram reminded that the board has provided a template to use for uploading preneed contract information to ARPPS. He forewarned that any variant of the template will fail to upload to ARPPS. Mr. Ingram advised template users should not try to create their own template nor copy and paste information into the provided template;
- Mr. Ingram announced the board will migrate to the new eLicense system on April 23, 2018. He stated the board office staff will begin Pre-User Acceptance Testing (UAT) on February 12, 2018;
- Mr. Ingram reminded the board members to complete their annual Ethics Training by March. He thanked Mr. Thomas Taneff for completing his training already;
- Mr. Ingram reported that a Business Impact Analysis and package of proposed rules on Crematory Operator Permit have been submitted to the Common Sense Initiative of Ohio (CSI). The analysis and proposed rules may be reviewed on CSI's website [www.governor.ohio.gov/Prioritiesandinitiatives/CommonSenseinitiative.aSRX](http://www.governor.ohio.gov/Prioritiesandinitiatives/CommonSenseinitiative.aSRX) with a comment period open until February 6, 2018. Comments may be made at [csipubliccomments@governor.ohio.gov](mailto:csipubliccomments@governor.ohio.gov) and [oh.emb.bd@funeral.ohio.com](mailto:oh.emb.bd@funeral.ohio.com). Mr. Ingram shared that he anticipates the rules to become effective on May 1, 2018;
- Mr. Ingram reported the board inspectors continue to do a good job conducting inspections throughout the state.

Mr. Jon Rettig asked the board inspectors if they had any comment on their reports. There were no comments from the inspectors. Mr. Rettig asked the board members if they had questions or comments about the Executive Director Report. There were no

questions or comments from the board members.

Mr. Rettig commented that when the board begins using the new eLicense system, current licensees will need a valid, up-to-date email address to renew their license at the end of this year. Mr. Ingram added to Mr. Rettig's comment by informing that any person licensed after April 23, 2018 will make application in the new eLicense system.

Mr. Rettig reminded all apprentices in attendance of the meeting that new laws and rules were recently adopted to its Chapter – with potentially more in the near future. He advised all to review current laws and rules prior to testing because tests are comprised of current information – not old laws and rules. Mr. Rettig suggested visiting the board's website to find information concerning laws and rules.

### President's Report

Mr. Jon Rettig presented his report by communicating the following:

- Mr. Rettig reminded that he anticipates attending the OFDA Master Training Seminar scheduled for February 28, 2018 in Columbus, Ohio;
- Mr. Rettig reminded that Board Member Jill Pugh and Executive Director David Ingram will attend The Annual Meeting of The International Conference of Funeral Service Examining Boards (The Conference) scheduled for February 28 through March 01, 2018 in New Orleans, Louisiana;
- Mr. Rettig thanked the board office staff for their work involved in ARPPS Registration;
- Mr. Rettig announced that the Annual Preneed Funeral Contract Report Form (Green-colored paper) is expected to be mailed to funeral homes next week. Mr. David Ingram added that the mailing will include an additional notice regarding an update to the March 30, 2018 deadline to file the preneed report. He stated that effective September 29, 2017, the law changed: Under Ohio Revised Code 4717.04, if the annual report is sent to the board by United States mail, it shall be postmarked on or before the due date for the submission of the annual report in order to be timely filed with the board. Mail that is not postmarked shall be considered filed on the date it is received by the board.

Mr. Rettig asked for a motion to approve the current version of the Annual Preneed Contract Report Form.

Mr. Thomas Taneff made a motion to adopt the current version of the Annual Preneed Funeral Contract Report Form.

Motion by Thomas Taneff, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Rettig reported that the developers of ARPPS have informed him the release date to upload preneed contracts and make payments to ARPPS will not be as scheduled. The functionality is still under development and the release date has been delayed to February 22, 2018. Therefore, Mr. Rettig recommended the board extend the deadline to file and pay to April 23, 2018.

Mr. Edward Nurre made a motion to extend the due date to April 23, 2018 for funeral homes to file preneed contracts and make payments to ARPPS.

Motion by Edward Nurre, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

#### Consideration of the December 20, 2017 Board Meeting Minutes

Mr. Thomas Taneff made a motion to approve the December 20, 2017 Board Meeting Minutes as presented.

Motion by Thomas Taneff, second by Marcella Boyd Cox

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

#### Consideration of the December 20, 2017 Education and Examination Committee Minutes

Mr. Thomas Taneff made a motion to approve the December 20, 2017 Education and Examination Committee Meeting Minutes as presented.

Motion by Thomas Taneff, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

#### Licensure

Mr. Jon Rettig read aloud the list of names to be licensed.

Ms. Thomas Taneff made a motion to approve the applications of individuals recommended for licensure.

Motion by Thomas Taneff, second by Marcella Boyd Cox

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Rettig stated the registrations and certifications listed were information only and needed no motion.

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Mr. Rettig read aloud the list of names of facilities to be licensed and facility name changes.

Mr. Thomas Taneff made a motion to approve ratification of facility licenses as presented.

Motion by Thomas Taneff, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. David Ingram announced that the board office will from now on create an account and register new facilities to ARPPS but the funeral home must log in and create a password before the board office will issue a wall display license to the facility.

### Continuing Education

Ms. Jill Pugh questioned Mr. Danny Finfrock if the application for thirteen hours for course "2018 Marketing Summit" from MKJ Marketing was correct. Mr. Finfrock replied that it was.

Mr. Thomas Taneff made a motion to approve the applications for continuing education programs as presented.

Motion by Thomas Taneff, second by Marcella Boyd Cox

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Thomas Taneff made a motion to approve the applications for continuing education exemptions as presented.

Motion by Thomas Taneff, second by Jill Pugh

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Thomas Taneff made a motion to approve the individual applications for continuing education as presented.

Motion by Thomas Taneff, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

### Compliance

Mr. Jon Rettig read aloud the list of compliance cases recommended for closure.

Mr. Rettig informed the apprentices in attendance of the meeting how and why the board office conducts its MIT Meeting prior to board meetings.

Mr. Thomas Taneff made a motion to approve the list of compliance cases recommended for closure.

Motion by Thomas Taneff, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Taneff informed Mr. Ingram that the meeting agenda does not indicate the previous agenda item as a "Motion Item." Mr. Ingram apologized for the error.

### Ratification of Settlements

Mr. David Ingram announced there were only two settlements to ratify and provided a brief summary of each compliance case.

Mr. Edward Nurre made a motion to approve Settlement Agreement #1.

Motion by Edward Nurre, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

*Post-meeting unredacted information:* The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Brian E. Foos, license no. DUAL.007914, of Bellevue, Ohio concerning compliance case no. 2018-1800016.

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Mr. Edward Nurre made a motion to approve Settlement Agreement #2.

Motion by Edward Nurre, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

*Post-meeting unredacted information:* The settlement agreement was between the State of Ohio Board of Embalmers and Funeral Directors and Gerald J. Foos, license no. DUAL.009306, of Bellevue, Ohio concerning compliance case no. 2018-1800017.

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Ms. Marcella Boyd Cox questioned aloud what happens if a fine is not paid. Ms. Christie Limbert, board counsel, responded that a suspension of the license(s) would occur until the fine is paid.

Recommendation to charge compliance case number 2018-1800023

Mr. Jon Rettig read aloud the case complaint and synopsis.

Ms. Jill Pugh questioned Mr. Troy Seehase, board inspector, if the insurance check was reimbursed. Mr. Seehase responded that the funeral director issued a payment back to the insurance company.

Mr. Jon Rettig made a motion to charge the funeral director with violation of unprofessional conduct.

Motion by Jon Rettig, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Recommendation to charge compliance case number 2018-1800092

Mr. Jon Rettig read aloud the case complaint and synopsis.

Mr. Edward Nurre made a motion to charge the funeral director with violation of unprofessional conduct.

Motion by Edward Nurre, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

## Attorney General Case Update

Mr. Jon Rettig asked board members if they received the attorney/client privileged email from board counsel containing the Attorney General Case Update. He added that any questions about the update should be directed to Ms. Christie Limbert, board counsel.

Ms. Limbert stated that the list of open cases is reducing thanks to settlements. Ms. Limbert reminded that last years' new process of issuing settlement agreements with notices of opportunity for hearing was successful and suggested the process may continue. She noted that if a request for hearing is received instead, dates for those hearings will be scheduled sooner.

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Mr. Jon Rettig made a motion to enter quasi-judicial session to discuss the reports and recommendations for:

#2017-1700026 & #2017-1700055 – Richard A. Franklin

#2017-1700071 – Pernel Jones, Sr.

#2017-170006401 – Richard C. Armstrong

#2017-170007201 – Casey A. Kensinger

#2017-1700056 – Patrick McClurkin

#2017-1700057 – Robert McClurkin

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Rettig invited Mr. David Ingram to join the Board in its quasi-judicial session.

The Board entered quasi-judicial session at 11:36 a.m.

The Board reconvened to its regular meeting at 11:54 a.m.

Mr. Jon Rettig made a motion for the Board to adopt the findings of fact in case numbers 2017-1700026 and 2017-1700055, Richard A. Franklin.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the conclusions of law in case numbers 2017-1700026 and 2017-1700055, Richard A. Franklin.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the recommendation of the hearing officer in case numbers 2017-1700026 and 2017-1700055, Richard A. Franklin: to suspend the dual license held by Richard A. Franklin for one year, with the suspension stayed on the condition that Franklin have no further violations involving unprofessional conduct or allowing unlicensed persons to practice funeral directing; and to impose a \$1000.00 fine.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh and Jon Rettig

No: Marcella Boyd Cox

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Mr. Jon Rettig made a motion for the Board to adopt the findings of fact in case number 2017-1700071, Pernel Jones, Sr.

Motion by Jon Rettig, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the conclusions of law in case number 2017-1700071, Pernel Jones, Sr.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the recommendation of the hearing officer in case number 2017-1700071, Pernel Jones, Sr.: to impose a \$7,500.00 fine.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh and Jon Rettig

Abstain: Marcella Boyd Cox

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Mr. Jon Rettig made a motion for the Board to adopt the findings of fact in case number 2017-170006401, Richard C. Armstrong.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the conclusions of law in case number 2017-170006401, Richard C. Armstrong.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the recommendation of the hearing officer in case number 2017-170006401, Richard C. Armstrong: to impose a \$2,000.00 fine.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Jon Rettig made a motion for the Board to adopt the findings of fact in case number 2017-170007201, Casey A. Kensinger.

Motion by Jon Rettig, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the conclusions of law in case number 2017-170007201, Casey A. Kensinger.

Motion by Jon Rettig, second by Jill Pugh

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the recommendation of the hearing officer in case number 2017-170007201, Casey A. Kensinger: to impose a \$1,750.00 fine.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Jon Rettig made a motion for the Board to adopt the findings of fact in case number 2017-1700056, Patrick McClurkin.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the conclusions of law in case number 2017-1700056, Patrick McClurkin.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the recommendation of the hearing officer in case number 2017-1700056, Patrick McClurkin: to permanently revoke Patrick McClurkin's dual license.

Motion by Jon Rettig, second by Edward Nurre

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Jon Rettig made a motion for the Board to adopt the findings of fact in case number 2017-1700057, Robert McClurkin.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the conclusions of law in case number 2017-1700057, Robert McClurkin.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the recommendation of the hearing officer in case number 2017-1700057, Robert McClurkin: to permanently revoke Robert McClurkin's dual license.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

Mr. Jon Rettig made a motion for the Board to adopt the recommendation of the hearing officer in case number 2017-1700057, Robert McClurkin: to permanently revoke Robert McClurkin's dual license.

Motion by Jon Rettig, second by Thomas Taneff

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

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Mr. Jon Rettig announced the next meeting of the Continuing Education and Examinations Committee start time has been changed to 9:00 a.m. on February 21, 2018. The committee will meet in Room South A on the 31<sup>st</sup> floor of the Vern Riffe Center.

3. Adjournment

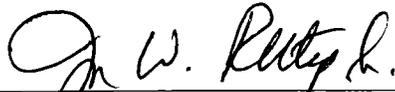
Mr. Thomas Taneff made a motion to adjourn the meeting.

Motion by Thomas Taneff, second by Marcella Boyd Cox

Final Resolution: Motion Carries

Yes: Thomas Taneff, Edward Nurre, Jill Pugh, Marcella Boyd Cox and Jon Rettig

January 24, 2018 Meeting of the Board adjourned at 12:04 p.m.



Jon W. Rettig, Sr., President



William C. Wappner, Secretary-Treasurer

Attachments

## *January Board Meeting - Facilities*

### *New facility licenses to be approved*

Type of Facility and #	Firm Title	Location	Reason
FH.003541	Cawley-Peoples FH	Barlow	Change Maj. Owner
FH.003542	Dostal Bokas Funl Services	North Olmsted	New AIC
FH.003543	Edwards FH Hughes Allen Chapel	Marion	New Owner
FH.003544	Ferfolia Funeral Home	Sagamore Hills	New AIC
FH.003545	Lindsey-Olds FH	Bloomville	New Owner
FH.003546	Long Funeral Home	Columbus	Change Location
FH.003547	Mallory DeHaven Carlson FH	Garrettsville	New AIC
FH.003548	Neptune Society	Parma	New AIC
FH.003549	Vitt Stermer & Anderson FH	Delhi	New Owner
FH.003550	Vitt Stermer & Anderson FH	Harrison	New Owner

### *Facility Ready for Approval, Pending Inspection*

Type of Facility	Firm Title	Location	Reason
FH	Stroud-Lawrence FH	South Russell	Change Location

### *New Facility-Appl. previously approved, License number Assigned*

Type of Facility and #	Firm Title	Location
Crem.000214	Landmark Industries	Pomeroy

### *Facility Name Changes*

FH Number	Current FH Name	New Name Requested	Location
FH.0001473	Bayliff & Eley FH	Eley FH & Crematory	Wapakoneta

<b>FH.0002492</b>	Bayliff & Eley FH	Eley FH & Crematory	Wapakoneta
<b>Crem.000213</b>	Bayliff & Eley FH & Crematory	Eley FH & Crematory	Wapakoneta
<b>FH.003456</b>	Pope Funeral Home	Tribute Funeral Homes	Greenville
<b>FH.003045</b>	Braund-Pope Funeral Home	Tribute Funeral Homes	New Madison
<b>FH.002941</b>	Jackson-Lytle & Lewis FH	Jackson-Lytle & Lewis Life Celebration Center	Springfield
<b>FH.003480</b>	Prentice-Conley	Prentice Funeral Home	Akron

## January 2018 Board Meeting

### *Initial licenses eligible for approval*

<b>License Number</b>	<b>Name</b>	<b>City</b>
Fd.009907	Carter, Kari L.	Germantown
Emb.009776 Fd.009908	Harris, Paul A.	Sherman NY
Fd.009909	Hoffman, Cathy L.	Bowling Green
Fd.009910	Neff, Julie A	W Carrollton
Emb.009777 Fd.009911	Steiner, Todd A.	Columbus

### *Individuals issued Registration in Dec '17*

Type	Name	City
Fd	Arnold, John	Canton

### *Individuals Certified as an Apprentice in Dec '17*

Type	Name	Funeral Home	City
Fd	Bennett, Jason	Jackson, Lytle & Lewis	Springfield

***Application from Individual Licensee  
Requesting Approval of Continuing Education:***

<b>License #</b>	<b>Name</b>	<b>Location</b>	<b>Hours</b>	<b>Program Title</b>
DUAL 009182	Merkle, Brian S.	Danville, Illinois	6	Pennsylvania Funeral Directors Association Fall District Meeting.
DUAL 009182	Givens, Roger E.	Mechanicsburg, Pennsylvania	3	Recognizing and Reporting Child Abuse: Mandated and Permissive Reporting

*January 24<sup>th</sup>, 2018 Continuing Education Exemptions  
Starting / For 2017 - 2018*

**Separation from Practice Exemption(s):  
Starting / For 2017 - 2018**

<b>License #</b>	<b>Name</b>

**50 Years of Licensure Exemption(s)  
Starting / For 2017 - 2018**

<b>License #</b>	<b>Name</b>
DUAL. 006644	WILLIS, DONALD B
DUAL. 006560	SCHAFFER, JOHN D
DUAL. 006622	HOSTETLER, ORIS D
FD. 005410	PAROBK, CAROL ANN



State of Ohio  
**Board of Embalmers and Funeral Directors**

77 South High Street, 16th Floor, Columbus, OH 43215-6108 • Phone (614) 466-4252 • Fax (614) 728-6825  
E-Mail: [oh.emb.bd@funeral.ohio.gov](mailto:oh.emb.bd@funeral.ohio.gov) • Website: [www.funeral.ohio.gov](http://www.funeral.ohio.gov)

January 30, 2018

BRIAN S MERKLE – DUAL 009471  
2442 N MONROE ST  
MONROE, MI 48162

The State of Ohio Board of Embalmers and Funeral Directors has approved your application for continuing education for the following course(s):

**Course - Trigard University**  
**Compliance Period - 2017-2018**  
**Hours approved - 6**

❖ *Approved Program:*

- **The board does not approve CEU's / units.** CEU = continuing education units. One CEU equals ten hours. The board does approve continuing education credited hours, up to 18 hours
- Approved for the above date and location only. “Blankets” are not accepted.
- **For each date that the program is presented.** If the sponsor offers this same program again in the current compliance period ending 12/31/2018, the sponsor must submit a Continuing Education Application. Outlines, comprehensive description of topics, bibliography of instructors/presenters, and a copy of certificate of completion only needs to be presented once during a compliance period, if there are no changes to those documents.
- **Date change.** The sponsor must submit a Continuing Education Application [with new date and location] and the date of the original program and/or copy of this letter. Outlines, comprehensive description of topics, bibliography of instructors/presenters, and a copy of certificate of completion are not required for this.
- **If no changes;** outlines, comprehensive description of topics, bibliography of instructors/presenters, and a copy of certificate of completion are valid only for current compliance period ending 12/31/2018.
- Plant tour approved for maximum one hour, but no more than two tours [two hours] in compliance period

❖ *Attendance:*

- Sponsor must provide licensees with certificate of completion
- Sponsor must retain all documentation including attendance records for four years.
- Sponsors documentation must be available to Board upon request
- **Individual** – retains certificate of completion

Meeting: January 24, 2018 – Regular Meeting  
Category: Compliance  
Subject: Ratification of Closed Compliance Cases  
Access: Public  
Type: Action

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

*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.

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**Case number 2018-1800031**

Complainant alleges the funeral director was unprofessional.

The investigation concluded that there was no evidence to support the complaint.

**Case number 2018-1800033**

Complainant alleges the funeral home did not verify relationship of person making funeral arrangements for deceased and recorded erroneous statistics on death certificate.

The complainant resolved their concerns on their own by applying for an amendment to the death certificate.

**Case number 2018-1800034**

Complainant transferred funeral arrangements and alleges funeral home kept portion of preneed insurance funds.

The investigation concluded that there was no evidence to support the complaint.

Meeting: January 24, 2018  
Category: Compliance  
Subject: Recommendation to charge in compliance case #2017-1700092

Recommended Action – Recommendation to charge funeral director with unprofessional conduct.

**Complaint:**

Complainant alleges funeral director displayed unprofessional conduct to family of deceased.

**Synopsis:**

April 23, 2017 – A consumer met with a funeral director to make funeral arrangements for their recently deceased mother. Cremation was chosen and the funeral director informed the consumer that a consent form would need to be completed by the oldest next of kin. The consumer declared that they were the executor of the will for the deceased. The funeral director insisted the law indicated the oldest next of kin was responsible to consent to cremation. The consumer provided a sibling's contact information to the funeral director.

May 4, 2017 – The consumer contacted the funeral director by telephone to inquire about the death certificate and the availability to pick up the cremated remains. The funeral director stated the death certificate was pending and implied the remains were in his possession. The consumer then told the funeral director they would call again in a few days to arrange for pick up.

May 8, 2017 – The consumer called the funeral director to arrange a date and time to pick up the cremated remains. The funeral director stated there was a paperwork error and cremation did not occur. The funeral director requested the consumer to visit the funeral home to complete the paperwork. The consumer was upset to discover their mother had not been cremated as thought and met with the funeral director to complete the cremation consent form. The consumer later learned their sibling was never contacted.

During the afternoon of May 8, the consumer and their spouse questioned the funeral director about the misleading information provided about the cremated remains, the errors within the pre-filled cremation consent form, and the delay of the death certificate. The funeral director was apologetic but acted confused and disorganized.

May 9, 2017 – The consumer contacted the funeral director to insist they be present at their mother's cremation. Later that day, the consumer, their spouse and two relatives convened at the crematorium to witness the cremation. The funeral director was not present. The funeral director's spouse met the family members of the deceased at the crematorium and apologized for the issues concerning the services. The funeral director on site of the crematorium explained the cremation process to the family and proceeded with the cremation.

The investigation revealed that the funeral director was disorganized throughout the entire funeral. The funeral director promised to have the deceased cremated on April 28, 2017 but cremation occurred on May 9, 2017.

Funeral director acknowledged making several errors and lack of clear communication with the client. The funeral director agreed with the narrative of the complaint and stated getting facts of other services mixed with this one.

**Violation(s):**

Ohio Revised Code 4717.14 Disciplinary actions

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

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

Ohio Administrative Code 4717-8-01 Unprofessional conduct

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

Meeting: January 24, 2018  
Category: Compliance  
Subject: Recommendation to charge in compliance case #2018-1800023

Recommended Action – Motion to charge funeral director with violation of unprofessional conduct.

**Complaint:**

Complainant alleges funeral home falsely submitted a claim to insurance company for death benefit of a consumer the funeral home did not perform services for.

**Synopsis:**

September 18, 2008 – A consumer agrees to a preneed funeral agreement with a funeral home for funeral merchandise and funeral services to be funded by life insurance benefits from Homesteaders Life Insurance Company. The consumer discontinued paying the premium payments for the policy. As a result, the death benefit became Paid Up for a reduced face amount.

September 16, 2017 – The consumer passed away. The surviving spouse selected a funeral home to arrange funeral services. A statement of Goods and Services was completed and a full payment was provided to the funeral home.

October 4, 2017 – The funeral director of the funeral home where the preneed agreement originated processed a quick claim with Homesteaders for a reduced paid up death benefit of \$348.63 after learning no claim had been made by the funeral home that performed services or the family.

October 19, 2017 – The surviving spouse visited the funeral director of the funeral home that actually performed services to discuss receipt of a letter from Homesteaders expressing condolences on the passing of their spouse hope the insurance policy made the experience easier during a difficult time. The surviving spouse was not aware of the Homesteader Life Insurance Company policy.

October 20, 2017 – The funeral director of the funeral home that actually performed services contacted Homesteaders Life Insurance Company about the claim of the policy from a different funeral director.

November 13, 2017 – Homesteaders Life Insurance Company contacted the funeral director who claimed the policy to instruct them to reimburse the payment of \$348.63. The funeral director issued a reimbursement payment.

**Violation(s):**

Ohio Revised Code 4717.14 Disciplinary actions

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

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

Ohio Administrative Code 4717-8-01 Unprofessional conduct

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

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