



Minutes of the April 15, 2020
The State of Ohio Board of Embalmers and Funeral Directors'
Preneed Recovery Fund Committee

Wednesday, April 15, 2020

Mike DeWine
Governor of Ohio

Cheryl Grossman
Executive Director

William C. Wappner
CFSP, CCO
President

Thomas Taneff
Board Vice President

Ed C. Nurre
Board Secretary Treasurer

Jon W. Rettig Sr.
Board Member

Adriana Sfalcin
Board Member

George Horne
Board Member

9:30 a.m.

Pursuant to Section 4717.03 (A) of the Ohio Revised Code, the State of Ohio Board of Embalmers and Funeral Directors convened its regular meeting of the board to discuss the Board's business. To maintain compliance with the current Stay at Home Order issued by Ohio Department of Health Director Dr. Amy Acton, MD, MPH, as a result of the Novel Coronavirus Disease (COVID-19) pandemic, the meeting was conducted by means of a teleconference call.

In March 2020, the Ohio General Assembly and Governor Mike DeWine, through Substitute House Bill 197, enacted a provision to the Open Meetings Act that permits members of public bodies to hold and attend meetings by means of electronic technology during the period of the COVID-19 emergency.

1. **Convening of the Committee – Chairperson Horne**

Calling of the Roll

Chairperson George Horne, II called the meeting to order at 9:35 a.m. Executive Director of the Board Cheryl Grossman took roll call for the meeting. The following committee members were in attendance of the meeting:

George Horne, II; Edward C. Nurre, Jr.; Thomas Taneff

Upon conclusion of the roll call of committee members, Jarrod Williams, board office staff member, took roll call of persons in attendance of the meeting (via teleconference call). In attendance of the meeting was Derek Bogner, preneed compliance administrator/analyst; Cathy Elkins of Funeral Consumers Alliance of Central Ohio; Cheryl L. Grossman, executive director of the board; Jon W. Rettig, Sr., board member; Melissa Sullivan of Ohio Funeral Directors Association; William C. Wappner, president of the board; and Jarrod Williams of the board office staff.

Mr. Horne asked Derek Bogner which application was being reviewed first. Mr. Bogner responded to Mr. Horne by stating it was the application from N.K. He added that this application was tabled at the March 18, 2020 meeting for him to obtain additional information. Mr. Bogner confirmed that the formerly licensed funeral director in this case was also a licensed insurance agent at the time the alleged loss occurred.

There was discussion among the committee members about the application.

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Edward Nurre stated that the decedent's preneed funeral contract was one of many assumed by the funeral director who currently operates in a location formerly occupied by a funeral director who was disciplined in the past and is no longer licensed or in the business. He stated that the funeral director accepted all preneed funeral contracts when they purchased the funeral home. Additionally, documentation acquired in the investigation indicated that the director accepted responsibility for the prearranged funeral services as they provided a written statement they would honor and guarantee the previous director's contracts.

Mr. Nurre stated that the purchaser/decedent (I.K.) received the funeral services as prearranged. The current funeral director provided services owed under the old contract and even covered the non-guaranteed cash advance items. He added that the funeral director may have paid out of pocket to cover any differences, but Mr. Nurre opined that there was no financial loss to the purchaser of the contract. He questioned why there was an application for reimbursement.

Jon Rettig stated that Section 4717-14-14 (F) of the Ohio Administrative Code states, in part, that reimbursement may be assigned to the funeral home or funeral director who provided services or merchandise or both following the loss. He guessed that the family and funeral director thought they may claim the difference?

Edward Nurre moved for the committee to deny approval of the Preneed Recovery Fund Reimbursement Application Form in compliance case number CO2019-0290. The motion was seconded by Thomas Taneff. Mr. Horne asked for discussion on the motion. There was no discussion.

A roll call vote was taken on Mr. Nurre's motion. All committee members voted Yes. Motion carried 3/0.

Mr. Bogner informed the committee the next application for consideration was from J.W. He added that this application was also tabled at the March 18, 2020 meeting for him to obtain additional information. Derek Bogner stated that upon further request, no additional information was available from either party to the complaint.

Mr. Horne asked Mr. Bogner if the funeral home was applying for reimbursement. Mr. Bogner replied that the funeral home was not.

Mr. Nurre recalled the discussion and debate from the March 18th meeting about the two payments for one contract. He reminded that the total payments to the funeral home equaled \$5,582.87.

There was discussion among the committee members on the matter. All agreed that it was not clear if the contract was for two persons and how the payments from the purchaser were applied. There was consensus among the board members that a reimbursement should only be for a loss, and that initial loss totaled \$2,449.60.

Thomas Taneff moved for the committee to approve the Preneed Recovery Fund Reimbursement Application Form in compliance case number CO2019-11689 and issue a payment in the amount of \$2,449.60 from the preneed recovery fund. The motion was seconded by Edward Nurre. Mr. Horne asked for discussion on the motion. There was no discussion.

A roll call vote was taken on Mr. Taneff's motion. All committee members voted Yes. Motion carried 3/0.

Thomas Taneff moved for the committee to adjourn its meeting. The motion was seconded by Edward Nurre. Motion carried 3/0.

April 15, 2020 meeting of the Preneed Recovery Fund Committee adjourned at 9:58 a.m.