

Regular Meeting (Monday, August 15, 2016)

Generated by Jarrod Williams on Tuesday, August 16, 2016

Members present

William A Dodson, Bryan E Chandler, Jill Pugh, William C Wappner, Tommy Taneff, Jon Rettig

Meeting called to order at 1:00 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.

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Rettig instructed Mr. Eric A. Griffin, interim executive director, to call the roll for attendance.

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."

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Rettig requested all in attendance of the meeting to stand and join him in the pledge of allegiance.

Recognition: 1.03 Recognize Apprentices

During apprenticeship, apprentices are required to complete assignments published to their corresponding apprenticeship task list. One of the tasks cataloged, as an additional training requirement, is to attend one state board monthly meeting. This new task was established by the board July 26, 2016 for one-year apprentices that started their apprenticeship February 1, 2016 or beyond; and for two-year apprentices that started their apprenticeship February 1, 2015 or beyond.

The board would like the opportunity to recognize apprentices in attendance of the meeting who are fulfilling this requirement.

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Rettig welcomed all apprentices attending the meeting and invited each to stand and introduce themselves to the board. The following apprentices were in attendance: Larissa Jones, Amber Jones, Kyle Kight, Terrance Hoening, and Becky Foster.

2. Executive Director's Report

Information: 2.01 FY 2016 LSC Questionnaire

The Legislative Service Commission FY2016 Questionnaire was completed and filed with the Legislative Service Commission Budget Analyst on August 8th, 2016.

Board meeting notation: Mr. Jon Rettig introduced the agenda item and Mr. Eric A. Griffin. Mr. Griffin thanked Mr. Rettig for his opportunity to serve the board. Mr. Griffin stated the information as written in the agenda item and reported the

questionnaire was completed with help of board staff and submitted to LSC on time.

Information: 2.02 Public Records Request

The Board received 9 Public Records requests since fiscal year 2017 began July 1.

The Board responded to 2 Public Records requests. The remaining requests are pending review.

Board meeting notation: Mr. Eric A. Griffin stated the information as written in the agenda item and reported with assistance of board counsel and board staff the requests are being serviced.

Information: 2.03 DAS Fleet Management

DAS Fleet Management Policy

Board meeting notation: Mr. Eric A. Griffin stated after review of the board's allocation of fleet vehicles, it was determined a vehicle acquired in April 2016 was unnecessary and was returned.

Information: 2.04 FY18-19 Budget Notification

DAS has provided Budget Guidance for FY18-19. The Board budget request is due by September 16, 2016.

Board meeting notation: Mr. Eric A. Griffin stated the information as written in the agenda item and reported that the board will begin the budget process.

Discussion: 2.05 Discussion of Social Media Platforms

The State of Ohio Board of Embalmers and Funeral Directors may use social media to advance its mission. In addition to being an organization that protects consumers and regulates and licenses the funeral service profession, the board may position itself as a trusted resource for social media users by providing valuable information through reliable and relevant content. Promotion over platforms such as Facebook, Twitter, or YouTube enables users to discover and engage the funeral services profession in the state.

Board meeting notation: Mr. Eric A. Griffin stated the information as written in the agenda item. Mr. Griffin suggested that the board have only one area to distribute its content to avoid duplication and managing multiple sites. Mr. Griffin asked the board for guidance as to how it wanted to distribute its content. Mr. Rettig asked the board for any questions. Mr. William Wappner asked if the board's facebook page provided meeting notices only. Mr. Griffin responded that it appeared to offer announcements and it was a duplication of the website information. Mr. Jon Rettig stated that meeting videos were previously available on youtube, but no longer because the youtube account was tied to the former executive director's personal email account. Mr. Rettig added that the board does not currently maintain its own youtube site, but does have access to the suspended facebook site. Mr. Thomas Taneff questioned if he heard Mr. Rettig correctly and asked if the board's videos were uploaded to a personal account. Mr. Rettig replied that it was the case. Mr. Bryan Chandler shared his concern about the board's website not being easily accessible. He commented on difficulty in connecting directly to the website. Mr. Taneff questioned if the previous board president was aware of the videos being uploaded to a personal youtube account. Mr. Rettig answered that he did not know if Mr. Boyer was aware. Ms. Jill Pugh questioned if the board website would be made easier to access. Mr. Rettig opined that he'd like to change the board website that was more interactive and easier to find items. Mr. William Wappner suggested the board have a website that could link the facebook page. Ms. Pugh stated that a revised website could eliminate the need for the facebook page. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to table the agenda item until next month's meeting.

Motion by William A Dodson, second by Tommy Taneff

Final Resolution: Motion Carries

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

3. Executive Session for Personnel Matters

Board meeting notation: Mr. Jon Rettig motioned the board to move into executive session. The motion was seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to go into executive session pursuant to Ohio Revised Code 121.22(G)(1): To consider appointment of a public employee; and pursuant to Ohio Revised Code 121.22(G)(3): To confer with the board's attorney regarding a matter that is subject of pending or imminent court action; and pursuant to Ohio Revised Code 121.22 (G)(5): Matters required to be kept confidential by federal law or regulations or state statutes.

Motion by Jon Rettig, second by Tommy Taneff

Final Resolution: Motion Carries

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

Board meeting notation: The Board entered executive session at 1:11 p.m. Mr. Jon Rettig announced that the participants of the executive session would exit the meeting room to convene elsewhere to alleviate inconvenience to meeting attendees. The Board reconvened to its regular meeting at 1:27 p.m. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to appoint Tim Derickson to executive director of the board of embalmers and funeral directors, effective August 22, 2016, pursuant Ohio Revised Code 4717.03(B): The executive director shall serve at the pleasure of the board, exercise the full statutory authority of the position as authorized by chapter 4717 of the Ohio Revised Code, as well as the authority and responsibility formally delegated to the executive director by the board.

Motion by Jon Rettig, second by Tommy Taneff

Final Resolution: Motion Carries

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

Board meeting notation: Mr. Rettig introduced Mr. Tim Derickson as the board's new executive director. Mr. Rettig noted Mr. Derickson's personal history and service to the State of Ohio. Mr. Derickson is originally from Butler County, Ohio. He graduated from Clark State Community College and Miami University. Mr. Derickson has held professional licenses issued by the SEC (Security Exchange Commission) Series 7 and 54, Florida Real Estate, and Ohio Group Health and Life. He worked seven years in healthcare administration managing health and medical plans for public schools. Mr. Derickson founded Colonial Woods Furniture with his wife Kelly and Indian Ridge Golf Course on his family farm serving as its managing member. Mr. Derickson served as Trustee of Hanover Township and is involved in numerous community organizations such as Butler County Township Association, Rotary, and Oxford Bible Fellowship Church.

Mr. Derickson currently serves in the Ohio House of Representatives as Chairman of the Committee and Family Advancement Committee. He is also Chairman of the Faith-Based and Community Initiatives Board, Chairman of the Ohio Legislative Prayer Caucus, Vice Chairman of the Education Committee, and serves on Finance and Government Accountability Oversight Committees. Mr. Derickson legislative accomplishments range from eliminating state tax on Pell Grants to reducing small business' start-up costs by twenty-one percent. He branded Ohio's WIA sites, now known as Ohio Means Jobs, and has been integral in helping Ohio's unemployment and underemployed citizens find and qualify for jobs throughout Ohio Means Jobs.com.

Mr. Derickson is married and has two children ages twenty-four and twenty-one. Mr. Rettig introduced Mr. Tim Derickson. Mr. Derickson thanked Mr. Rettig for his introduction and stated that he is honored to serve as the director. Mr. Rettig invited Mr. Derickson to join the board at the meeting table. Mr. Derickson stated that it was a pleasure to serve the board. He added that Ohio funeral homes are stalwarts in their communities and contributors in so many

ways and expressed it was an honor to serve and thanked all for the privilege to serve.

Mr. Rettig stated that Mr. Derickson's first day with the board will be Monday, August 22 upon resignation from his Chair with Ohio House of Representatives. Until then, Mr. Eric A. Griffin will remain the interim executive director.

4. President's Report

Information: 4.01 President's Report

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Rettig stated the board policy permits the president of the board to act on board matters between board meetings and chose to develop a president's report to convey recent actions. He added a request for a motion to ratify the report after presentation. Mr. Rettig highlighted three actions he recently worked on:

1. Mr. Rettig stated the board will continue to meet obligations set by the former executive director to attend and present at approximately eighteen OFDA (Ohio Funeral Directors Association) District Meetings scheduled during September, October, and November. Mr. Rettig and Mr. William Wappner will collectively attend these meetings across the state. Mr. Rettig added that he will personally present at the Apprentice Seminar on September 7th and the Masters Training Seminar on September 15.
2. Mr. Rettig shared that he authorized Mr. Eric A. Griffin to request a fiscal audit of the board from the Ohio Auditor's Office. He commented that it would be good practice to begin with a clean slate on fiscal matters.
3. Mr. Rettig also stated that he instructed Mr. Griffin to return the automobile acquired from DAS Fleet, thus removing the expense from the board's budget.

Mr. Rettig asked the board for a motion. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to ratify President Rettig's Report.

Motion by Tommy Taneff, second by Bryan E Chandler

Final Resolution: Motion Carries

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

Board meeting notation: Mr. Rettig stated that he plans to review board policies over the next several months with the help of current interim executive director Mr. Griffin and newly appointed executive director Mr. Tim Derickson. After review of each policy, recommended amendments will come before the board for consideration and ratification. Mr. Rettig suggested that recommendations may become a regular agenda item over the coming months, as it will take time to get through the policies.

5. Meeting Minutes

Action, Minutes: 5.01 Consideration of the July 18, 2016 Board Meeting Minutes

Board meeting notation: Mr. Jon Rettig introduced the agenda item. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to approve the July 18 meeting minutes as presented.

Motion by William C Wappner, second by Bryan E Chandler

Final Resolution: Motion Carries

Yes: William A Dodson, Bryan E Chandler, William C Wappner, Tommy Taneff, Jon Rettig

Abstain: Jill Pugh

Action, Minutes: 5.02 Consideration of the July 26, 2016 Special Meeting Minutes

Board meeting notation: Mr. Jon Rettig introduced the agenda item. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to approve the July 26 special meeting minutes as presented.

Motion by William C Wappner, second by William A Dodson

Final Resolution: Motion Carries

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

Abstain: Bryan E Chandler

6. Persons Appearing Before the Board

Action: 6.01 Lisa A. Johnson, Applicant for Reciprocal Funeral Director License

The applicant submitted an application for a reciprocal funeral director license. The applicant was asked to appear before the board to address any questions the board may have concerning information within the criminal history check.

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 introduced the agenda item. Mr. Bryan Chandler invited Ms. Lisa Johnson to tell the board about herself. Ms. Johnson stated that she became a licensed funeral director from the State of Kentucky in 2004. Ms. Johnson added that she moved from Kentucky years ago and currently resides in Cincinnati working for an area funeral home. Ms. Johnson acknowledged having a thirty-year-old misdemeanor charge in her background check. Mr. William Wappner asked Ms. Johnson if she were working full time. Ms. Johnson answered that she was. Mr. Bryan Chandler asked Ms. Johnson if she had any issues before the Kentucky Board. Ms. Johnson replied that she had none. Mr. Rettig asked Ms. Johnson if the misdemeanor charge was resolved and she was not currently under probation. Ms. Johnson replied that it was resolved. Mr. Wappner asked Ms. Johnson how long she worked in Kentucky as a licensed funeral director. She confirmed working from 2004 to 2012. Mr. Wappner asked which state she worked in the last four years. Ms. Johnson replied that she was not operating as a funeral director, but as an employee at a funeral home. Mr. Thomas Taneff asked Ms. Johnson if she considered having her misdemeanor charge expunged. She replied that she had not. Mr. Taneff commented that she should. Mr. Rettig asked the board if there were any further questions for Ms. Johnson. A motion was made and seconded. Mr. Rettig asked the board for discussion. Mr. Chandler asked if all the paperwork was in order. Mr. Eric A. Griffin confirmed it was. The vote commenced.

Motion to approve the application for reciprocal funeral director license as presented and grant initial license.

Motion by Tommy Taneff, second by William C Wappner

Final Resolution: Motion Carries

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

Board meeting notation: Mr. Taneff informed Ms. Johnson that she was welcome to stay for remainder of the meeting, but not obligated to. Mr. Rettig welcomed Ms. Johnson to Ohio (as a licensed funeral director).

Action: 6.02 Henry W. Vinson, Applicant for Registration of Funeral Director Only Apprenticeship

The applicant submitted an application for registration for a funeral director only apprenticeship. The applicant was asked to appear before the board to address any questions the board may have concerning information within the criminal records check.

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.

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Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Rettig invited Mr. Henry Vinson to tell the board about himself. Mr. T. Scott Gilligan stood before the board and stated for the record that he represented Mr. Vinson as his attorney. Mr. Gilligan acknowledged Mr. Vinson has past serious criminal charges that he was convicted of and served time for and wished to address the board.

Mr. Gilligan distributed paper copies of documentation to the board members. Mr. Gilligan spoke of Mr. Vinson's past criminal history and his subsequent prison sentence from 1991 through 2003. Mr. Vinson was convicted in 1991 of a federal charge of racketeering to obtaining illegal access to devices. Mr. Vinson was also convicted of conspiracy to impede the IRS and a collection action in 1999 and 2000. He added that Mr. Vinson served the sentence, was released from prison in 2003, and cleared parole in 2006. Mr. Gilligan pointed out that these actions occurred over fifteen years ago. Mr. Vinson served his time and has been out of parole the last ten years.

Mr. Gilligan remarked Mr. Vinson has met the first two qualifications regarding application to the board for license: ORC 4717.05(A)(1) The applicant is at least eighteen years of age and of good moral character; and ORC 4717.05(A)(2) If the applicant has pleaded guilty to... (abbr.) at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense. He emphasized that Mr. Vinson's present moral character should be considered today, not the person he was over twenty-five years ago. Mr. Gilligan cited that the Supreme Court emphasizes present good moral character. He went to say that while Mr. Vinson's past is certainly a factor and the crimes committed are a factor for the board to consider, the emphasis is to what is his character is now. The absence of good moral character in the past is secondary to the existence of good moral character in the present.

Mr. Gilligan shared an example of a law student who was charged and plead guilty to grand larceny, served his sentence, completed probation, completed his law school curriculum and applied for Bar, but was denied due to his applying his fifth amendment right during questioning of his criminal history. The Supreme Court overturned the denial citing the board should have focused on the present and not the past because a felony does not disqualify automatically. Mr. Gilligan commented that Mr. Vinson's situation is similar.

Mr. Gilligan went on to say that two laws were recently passed by the General Assembly and signed by the Governor to rid of old laws disqualifying and penalizing felons from obtaining licensing in Ohio. Those were the Collateral Sanctions Act

and the Ban the Box Act.

Mr. Gilligan stated Mr. Vinson earned a Masters Degree in Marketing Administration from The University of West Virginia and uses his education as a Marketing Manager for Walker Funeral Home in Cincinnati. He added that Mr. Vinson has advanced Walker to becoming a growing firm with multiple locations and would like to return to being a funeral director and earn a license in Ohio. Mr. Gilligan stated that Mr. Vinson has acquired recommendations and references from Arlene Lawrence and Mike Ryan, licensed funeral directors in Ohio.

Mr. Gilligan stated that Mr. Vinson would be happy to answer any questions. Mr. Rettig asked the board if there were any questions. Mr. William Wappner reminded Mr. Vinson the West Virginia State Board denied his application for a funeral director license years ago. Mr. Wappner asked how long ago was that. Mr. Vinson replied that he applied in early 2000's and it was denied. He appealed to the circuit court whereby it was remanded back to the board and did not attend the hearing because he chose not to pursue a license in West Virginia since making his home in Cincinnati.

Mr. Wappner asked Mr. Vinson what he would like to say to the board that may lead them to believe that he would not revert back to criminal activity. Mr. Vinson stated that in the past ten years he has become a model citizen by overcoming his past. His accomplishments include returning to school to obtain an education and earning a commercial pilot's license; becoming a flight instructor of airplanes and helicopters. He went on to say that many years ago his life was in a very dark place. Mr. Vinson recalled that he was from Williamson, West Virginia. He added that his brother died when Henry was thirteen years of age. Mr. Vinson went on to say that his mother became addicted to medication leaving him to raise himself and not making the right decisions. He stated that since school, he has had the drive to do nothing but the right thing and be an example to others. Mr. Vinson wants to show people that they can overcome their past and be a worthwhile human being again and not be looked at as a second class citizen if they put forth the work.

Mr. Rettig asked Ms. Katherine Bockbrader if it were appropriate to ask Mr. Vinson if past charges were related to funeral services. Ms. Bockbrader replied that he could. Mr. Rettig asked Mr. Vinson if any of the past charges within his background check were related to funeral services. Mr. Vinson replied that he was charged with a misdemeanor in 1986 in West Virginia for substituting casket products. Mr. Rettig asked why that was a misdemeanor in West Virginia. Mr. Gilligan responded that it was considered Medicaid fraud. Mr. Rettig asked for any further questions from the board. Mr. Gilligan reminded the board that occurrence was in 1986. Mr. Eric A. Griffin asked Mr. Vinson if restitution has been paid for all charges. Mr. Vinson answered that in all he has paid approximately two hundred thousand dollars (\$200,000.00) back between the IRS and fines. Mr. Wappner asked Mr. Vinson when his last probation ended. Mr. Vinson replied that he was sentenced to three years of supervised release in 2005 after his release from incarceration. The probation officer ended the supervised release two years early; terminating in 2006. Mr. Wappner asked if there have been any issues with the law since. Mr. Vinson answered that there have not been any issues- not even a parking ticket. Mr. Vinson stated that he was fifty-six years old and has a lot to give and can make a difference, especially in the impoverished community of Cincinnati. Mr. Vinson believed that he was a good example that it is possible to have a good life after having a past like his. He acknowledged he had a terrible past and apologized for his past. He offered apology to the board as well, for he was embarrassed that he had to appear before the board. Mr. Bryan Chandler asked Mr. Vinson to clarify that Arlene Lawrence worked for Walker Funeral Home and agreed to be his Master Trainer. Mr. Vinson confirmed that information was correct. Ms. Jill Pugh asked aloud to clarify if the application was for a reciprocal funeral director license or a registration for funeral director apprenticeship. Mr. Rettig answered that it was for apprenticeship. Mr. Rettig asked the board if there were any further discussion. Mr. Griffin asked Ms. Linda Clark, board staff, if Mr. Vinson meets all other licensing standards. Ms. Clark answered that he does. Mr. Wappner moved to offer Mr. Vinson a second chance and approve his registration for apprenticeship. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to offer Mr. Vinson a second chance and approve the application presented and grant registration for a funeral director only apprenticeship.

Motion by William C Wappner, second by Jill Pugh

Final Resolution: Motion Carries

Yes: William A Dodson, Bryan E Chandler, Jill Pugh, William C Wappner, Jon Rettig

No: Tommy Taneff

Board meeting notation: Mr. Rettig stated to Mr. Vinson that he expects him to take the apprenticeship seriously and hoped Mr. Vinson stay clear of trouble. Mr. Wappner reminded Mr. Vinson that the board will need approve his license later and will be watching his apprenticeship. Mr. Rettig thanked Mr. Vinson and Mr. Gilligan and welcomed them to stay for remainder of the meeting if they wished.

7. Licensure

Action: 7.01 Applications Recommended for Licensure

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

Initial Licenses to be granted

License #	Name	Location
Fd.009810	Brubaker, Kyle P.	Sandusky
Emb.009698 Fd.009811	Forchione, Angela E.	Canton
Emb.009699 Fd.009812	Hawkins, Claire M.	Lyndhurst
Fd.009813	Leuck, Joshua D.	Independence
Emb.009700 Fd.009814	Pugh, Jonathan W.	Youngstown
Emb.009701 Fd.009815	Summers, Ryan S.	Proctorville
Emb.009702 Fd.009816	Thomas, Adam N.	Fairborn
Emb.009703 Fd.009817	Wagner, Shirley M.	Bluffton

Board meeting notation: Mr. Jon Rettig introduced the agenda item. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

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

Motion by Bryan E Chandler, second by Tommy Taneff

Final Resolution: Motion Carries

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

Action: 7.02 Ratification of Facility Licenses

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

New Building / New Facility License:

License #	Firm Title	Location
FH 00	Barnes Funeral Home	Eaton

FH 00	Linsley-Royal Funeral Home	East Palestine
FH 00	Pryor Funeral Home LLC	Dayton

Board meeting notation: Mr. Jon Rettig introduced the agenda item. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

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

Motion by Tommy Taneff, second by William A Dodson

Final Resolution: Motion Carries

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

Abstain: Jon Rettig

Information: 7.03 No Motion Items

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

Individuals issued a Registration number in July

Type	Name	City
FD	Love, Jasma D.	Cleveland
FD	Roper, Avery N.	Akron
FD	Saba, David I.	Canton
Dual	Warren, James I	Toledo

Individuals Certified as an Apprentice in July

Type	Name	Funeral Home	City
Dual	Boesinger, Alexandra T.	Johnson-Romito FH	Bedford
FD	Royal, Kattie L.	Oliver-Lindsey FH	E Palestine
FD	Walker, Bryan W.	Walker Funeral Home	Cincinnati
Dual	Warren, James I.	Bersticker-Scott FH	Toledo

Board meeting notation: Mr. Jon Rettig introduced the agenda item and stated that it was information only; no motion was necessary.

8. Continuing Education

Action: 8.01 Continuing Education Programs- Recommendation to Approve

The board was provided the lists of applicants in the agenda item details for review. The documents provided may be located in the agenda online at the following

link: [http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACRRUA6E50EC/\\$file/2016%20Aug%20CE%20Programs.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACRRUA6E50EC/$file/2016%20Aug%20CE%20Programs.pdf)

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Rettig asked Mr. Danny Finfrock, board staff, if there were any concerns with the programs listed. Mr. Finfrock answered there were none. Mr. Rettig commented that he received feedback from licensees that some larger continuing education programs were not prohibiting attendees from leaving programs early. He has concern that some licensees are receiving unearned hours. Mr. Rettig instructed the board inspectors to attend a program in their area, or pop-in, at their discretion, to see if all are there, and inform the board if it's discovered all are not. Mr. Rettig reminded the licensed board members of their obligation to report any concerns they witness about continuing education programs. Mr. Rettig reminded the board they have the authority to deny any continuing education hours. Mr. Eric Anderson asked Mr. Rettig if the board wants inspectors to audit the programs or to pop-in to future programs. Mr. Rettig replied that he hoped the inspectors would simply pop-in to a program if they were in the area and inform the board if any of the programs were clearly unattended before the designated end time. Mr. Thomas Taneff suggested to Mr. Rettig the board's paramount issue before this board as to enforcement is prepaid funeral fraud and compliance. Mr. Taneff did not want to give the impression that the board's discussion of the continuing education programs attendance make it any less important. He added that the board inspectors should be used more effectively, not to catch someone leaving a program ten minutes early. Mr. Rettig responded that he does not expect the inspectors to consume their time with attending programs. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to approve the continuing education program applications presented as recommended by board staff.

Motion by Tommy Taneff, second by Bryan E Chandler

Final Resolution: Motion Carries

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

Action: 8.02 Application for Waiver of Continuing Education Requirements- Recommendation to Approve

The applicant has submitted an application for waiver of continuing education requirements.

Waiver:

<i>License #</i>	<i>Name</i>
FD.005410	Carol A. Parobek

ORC4717.09 Continuing education.

(A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(D) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for a waiver or an exemption.

OAC4717-9-02 Exemptions or waivers from continuing education.

(A) A licensee who is not engaged in the practice of embalming and/or funeral directing in the state of Ohio may be granted an exemption upon written application to the board. The

application shall contain a statement that the applicant will not engage in the practice of embalming and/or funeral directing in Ohio without first complying with all regulations governing removal of exemption. The application for an exemption shall be submitted upon the form established by the board. Notwithstanding anything to the contrary contained in this rule, the board shall not grant an exemption of the continuing education requirements to any licensee designated as a manager of a funeral home or any funeral director actually in charge of or ultimately responsible for a funeral home or an embalmer actually in charge of an embalming facility in the state of Ohio.

(D) Approval of a waiver, exemption, or fifty-year exemption does not waive or exempt the licensee from renewal fees.

(E) Physical disability, illness or undue hardship (waivers).

The board may, in individual cases involving physical disability or illness as certified by a physician, or good cause shown, grant waivers of the minimum education requirements. No waiver shall be granted unless written application therefore shall be made on forms established by the board and signed by the licensee; and in the case of physical disability or illness signed by a physician licensed by the medical board. Waivers of the minimum educational requirements may be granted by the board for any period not to exceed one compliance period. In the event that the physical disability or illness or good cause shown for which the waiver has been granted continues beyond the period of waiver, the licensee must reapply for a new waiver for the applicable compliance period.

Notwithstanding anything to the contrary contained in this rule, the board shall not grant a waiver of the minimum continuing education requirements to any licensee designated as the manager of a funeral home pursuant to paragraph (B)(2)(a) of rule [4717-1-16](#) of the Administrative Code.

Board meeting notation: Mr. Jon Rettig introduced the agenda item. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to approve the application for waiver of continuing education requirements as presented and grant waiver status to the applicant as recommended by the board staff. Motion to approve the application for waiver of continuing education requirements as presented and grant waiver status to the applicant as recommended by the board staff.

Motion by Tommy Taneff, second by William A Dodson

Final Resolution: Motion Carries

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

Action: 8.03 Application for Fifty-year Exemption of Continuing Education Requirements- Recommendation to Approve

The applicant has submitted an application for fifty-year exemption of continuing education requirements.

Fifty-year Exemption:

<i>License#</i>	<i>Name</i>
DUAL.006474 (EMB.006474A / FD.005563)	E. Stephen Conner

ORC4717.09 Continuing education.

A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(E) A licensee who has been an embalmer or a funeral director for not less than fifty years and is not actually in charge of an embalming facility or a manager or actually in charge of and ultimately responsible for a funeral home may apply to the board for an exemption.

OAC4717-9-02 Exemptions or waivers from continuing education.

A) A licensee who is not engaged in the practice of embalming and/or funeral directing in the state of Ohio may be granted an exemption upon written application to the board. The application shall contain a statement that the applicant will not engage in the practice of embalming and/or funeral directing in Ohio without first complying with all regulations governing removal of exemption. The application for an exemption shall be submitted upon the form established by the board. Notwithstanding anything to the contrary contained in this rule, the board shall not grant an exemption of the continuing education requirements to any licensee designated as a manager of a funeral home or any funeral director actually in charge of or ultimately responsible for a funeral home or an embalmer actually in charge of an embalming facility in the state of Ohio.

C) Exemption for fifty years of licensure.

An individual who has held a license as an embalmer or funeral director for not less than fifty years may make written application to the board for an exemption from the minimum education requirements. The application for the exemption shall be made on forms established by the board and signed by the licensee. Notwithstanding anything to the contrary contained in this rule, the board shall not grant an exemption to any licensee designated as the person actually in charge of an embalming facility, or to any licensee designated as the manager or the funeral director actually in charge of and ultimately responsible for a funeral home. An exemption granted under this rule shall be automatically voided if the individual holding the exemption is designated as the person actually in charge of an embalming facility or a manager or funeral director actually in charge of and ultimately responsible for a funeral home.

If an exemption for fifty years of licensure is voided, the licensee must notify the board and request an amendment to the funeral home license. Upon the board's acceptance of a satisfactorily completed amendment, the licensee is permitted to serve as manager and/or funeral director actually in charge of and ultimately responsible for the funeral home. The licensee is responsible for completing the total number of hours of accredited continuing education for the compliance period in which the exemption for fifty years of licensure is voided before the licensee is permitted to renew.

D) Approval of a waiver, exemption, or fifty-year exemption does not waive or exempt the licensee from renewal fees.

Board meeting notation: Mr. Jon Rettig introduced the agenda item. A motion was made and seconded. Mr. Rettig asked the board for discussion. Mr. Bryan Chandler asked if the applicant could be an actual-in-charge or manager of a facility. Mr. William Wappner answered that the applicant could not. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to approve the application for fifty-year exemption of continuing education requirements as presented and grant exemption status to the applicant as recommended by the board staff. Motion to approve the application for fifty-year exemption of continuing education requirements as presented and grant exemption status to the applicant as recommended by the board staff.

Motion by Tommy Taneff, second by Jill Pugh

Final Resolution: Motion Carries

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

9. Compliance

Action: 9.01 Recommendation to charge case number 1600159

The funeral director failed to file thirteen individual death certificates in a timely manner. Of those thirteen, the funeral director failed to obtain required signatures for 4 death certificates in a timely manner; failed to obtain 6 burial permits before final disposition; and the funeral home and/or funeral director buried 2 individuals without filing a death certificate or burial permit.

Violations:

ORC4717.14 Disciplinary actions.

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

(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

Specifically ORC3705.16 Statement of facts in certificates - death certificates.

(C) The funeral director or other person in charge of the final disposition of the remains shall present the death or fetal death certificate to the attending physician of the decedent, the coroner, or the medical examiner, as appropriate for certification of the cause of death. If a death or fetal death occurs under any circumstances mentioned in section [313.12](#) of the Revised Code, the coroner in the county in which the death occurs, or a deputy coroner, medical examiner, or deputy medical examiner serving in an equivalent capacity, shall certify the cause of death unless that death was reported to the coroner, deputy coroner, medical examiner, or deputy medical examiner and that person, after a preliminary examination, declined to assert jurisdiction with respect to the death or fetal death. A physician other than the coroner in the county in which a death or fetal death occurs, or a deputy coroner, medical examiner, or deputy medical examiner serving in an equivalent capacity, may certify only those deaths that occur under natural circumstances.

The medical certificate of death shall be completed and signed by the physician who attended the decedent or by the coroner or medical examiner, as appropriate, within forty-eight hours after the death or fetal death. A coroner or medical examiner may satisfy the requirement of signing a medical certificate showing the cause of death or fetal death as pending either by stamping it

with a stamp of the coroner's or medical examiner's signature or by signing it in the coroner's or medical examiner's own hand, but the coroner or medical examiner shall sign any other medical certificate of death or supplementary medical certification in the coroner's or medical examiner's own hand.

and Specifically ORC3705.17 Burial permit required - records to be kept.

The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-registrar for the purpose of securing a burial or burial-transit permit. When the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. The director of health, by rule, may provide additional time for filing a satisfactory death certificate. A burial permit authorizing cremation shall not be issued upon the filing of a provisional certificate of death.

When a funeral director or other person obtains a burial permit from a local registrar or sub-registrar, the registrar or sub-registrar shall charge a fee of three dollars for the issuance of the burial permit. Two dollars and fifty cents of each fee collected for a burial permit shall be paid into the state treasury to the credit of the division of real estate in the department of commerce to be used by the division in discharging its duties prescribed in Chapter 4767. of the Revised Code and the Ohio cemetery dispute resolution commission created by section [4767.05](#) of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

and Specifically OAC-3701-5-08 Investigation of delayed filing of certificates of death and fetal death.

(A) A funeral director shall obtain a disposition permit prior to or at the time of filing a death

certificate. A disposition shall not occur prior to obtaining a disposition permit. A satisfactory and complete death certificate shall be filed within five working days after the date of death.

(B) If a satisfactory and complete certificate of death or fetal death is not filed within five days after date of death or fetal death, the local registrar may investigate the matter to determine the cause of delay. After investigation, if a satisfactory and complete certificate of death is not filed with the local registrar within a reasonable period of time, the local registrar shall report the matter to the licensing agency that licenses the entity causing the delay.

Propose:

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:

(2) For purposely violating any provision of sections [4717.01](#) to [4717.15](#) of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section [4717.23](#) of the Revised Code; division (B)(1) or (B)(2), (C)(1) or (C) (2), (D), (E), or (F)(1) or (F)(2), or divisions (H) to (K) of section [4717.26](#) of the Revised Code; division (D)(1) of section [4717.27](#) of the Revised Code; or divisions (A) to (C) of section [4717.28](#) of the Revised Code, 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. Eric A. Griffin introduced the agenda item and stated the information as written. A motion was made and seconded. Mr. Jon Rettig asked the board for discussion. The vote commenced.

Motion to charge the funeral home and/ or funeral director with thirteen violations of ORC4717.14(A)(3), Specifically ORC3705.16, ORC3705.17 and OAC3701-5-08.

Motion by Tommy Taneff, second William C Wappner

Final Resolution: Motion Carries

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

Action: 9.02 Recommendation to charge case number 1700007

The funeral home failed to embalm or refrigerate two deceased individuals in a timely manner. The funeral director failed to file death certificates and burial permits for two individuals in a timely manner.

Case synopsis:

Eric Anderson, Inspector for the State of Ohio Board of Embalmers and Funeral Directors, received communication from the Coshocton County (Ohio) Registrar of Vital Statistics regarding a death certificate that had not been filed in a timely manner. Inspector Anderson contacted the family of the deceased to gather further information. Mr. Anderson visited the funeral home to investigate the alleged concerns from the county registrar office and family of the deceased.

During the visitation, the inspector conducted an inspection of the funeral home and discovered two bodies that had not been embalmed or refrigerated in a timely manner. It was also discovered that the death certificates and burial permits for these two individuals were not files in a timely manner, as well.

Violations:

ORC4717.13 Prohibited conduct.

(A) No person shall do any of the following:

(10) Hold a dead human body, before final disposition, for more than forty-eight hours after the time of death unless the dead human body is embalmed or placed into refrigeration and maintained at a constant temperature of less than forty degrees.

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:

(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

Specifically ORC3705.16 Statement of facts in certificates - death certificate.

(C) The funeral director or other person in charge of the final disposition of the remains shall present the death or fetal death certificate to the attending physician of the decedent, the coroner, or the medical examiner, as appropriate for certification of the cause of death. If a death or fetal death occurs under any circumstances mentioned in section [313.12](#) of the Revised Code, the coroner in the county in which the death occurs, or a deputy coroner, medical examiner, or deputy medical examiner serving in an equivalent capacity, shall certify the cause of death unless that death was reported to the coroner, deputy coroner, medical examiner, or deputy medical examiner and that person, after a preliminary examination, declined to assert jurisdiction with respect to the death or fetal death. A physician other than the coroner in the county in which a death or fetal death occurs, or a deputy coroner, medical examiner, or deputy medical examiner serving in an equivalent capacity, may certify only those deaths that occur under natural circumstances.

The medical certificate of death shall be completed and signed by the physician who attended the decedent or by the coroner or medical examiner, as appropriate, within forty-eight hours after the death or fetal death. A coroner or medical examiner may satisfy the requirement of signing a medical certificate showing the cause of death or fetal death as pending either by stamping it with a stamp of the coroner's or medical examiner's signature or by signing it in the coroner's or medical examiner's own hand, but the coroner or medical examiner shall sign any other medical certificate of death or supplementary medical certification in the coroner's or medical examiner's own hand.

and Specifically ORC3705.17 Burial permit required - records to be kept.

The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is

filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-registrar for the purpose of securing a burial or burial-transit permit. When the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. The director of health, by rule, may provide additional time for filing a satisfactory death certificate. A burial permit authorizing cremation shall not be issued upon the filing of a provisional certificate of death.

When a funeral director or other person obtains a burial permit from a local registrar or sub-registrar, the registrar or sub-registrar shall charge a fee of three dollars for the issuance of the burial permit. Two dollars and fifty cents of each fee collected for a burial permit shall be paid into the state treasury to the credit of the division of real estate in the department of commerce to be used by the division in discharging its duties prescribed in Chapter 4767. of the Revised Code and the Ohio cemetery dispute resolution commission created by section [4767.05](#) of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

Propose:

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:

(2) For purposely violating any provision of sections [4717.01](#) to [4717.15](#) of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section [4717.23](#) of the Revised Code; division (B)(1) or (B)(2), (C)(1) or (C) (2), (D), (E), or (F)(1) or (F)(2), or divisions (H) to (K) of section [4717.26](#) of the Revised Code; division (D)(1) of section [4717.27](#) of the Revised

Code; or divisions (A) to (C) of section [4717.28](#) of the Revised Code, 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. Eric A. Griffin introduced the agenda item and stated the information as written. A motion was made and seconded. Mr. Jon Rettig asked the board for discussion. The vote commenced.

Motion to charge the funeral home and/ or funeral director with two violations of ORC4717.13(A)(10) and two violations of ORC4717.14(A)(3), Specifically ORC3705.16 and 3705.17.

Motion by Tommy Taneff, second by Jill Pugh

Final Resolution: Motion Carries

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

Action: 9.03 Recommendation to charge case number 1600161

The funeral home and/ or funeral director misappropriated prepaid pre-need funeral service funds in the amount of sixty thousand two hundred eighty-six dollars and thirty-four cents (\$60,286.34) from twenty-eight of its clients over a time period of approximately twenty-one years.

Case synopsis:

Eric Anderson, Inspector for the Ohio Board of Embalmers and Funeral Directors, visited the funeral home May 26, 2016 to initially investigate an individual's allegation of misappropriation of prepaid pre-need funeral service funds. Upon confirmation of the misappropriation of funds for the individual, Inspector Anderson conducted a full audit of the funeral home's pre-need funeral contracts resulting in the discovery of additional misappropriation of prepaid pre-need funeral service funds. The funeral director admitted that each pre-need funeral contract identified as misappropriated was not funded.

The funeral director is cooperating with the investigation and has initiated a plan to fund the pre-need funeral contracts.

Violations:

ORC4717.14 Disciplinary actions.

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

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

OAC4717-8-01 Unprofessional conduct.

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

(F) Misappropriation by a funeral director, funeral home or funeral home's employee of any amount of money whether paid by a consumer or acquired by any other means in order to fund his or her funeral service.

Propose:

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 introduced the agenda item and stated the information as written. A motion was made and seconded. Mr. Rettig asked the board for discussion. Mr. William Wappner asked if the funds had been paid back. Mr. Eric A. Griffin responded that it had not yet been paid. The vote commenced.

Motion to charge the funeral home and/ or funeral director with twenty-eight violations of ORC4717.14(A)(4), Specifically OAC4717-8-01(F).

Motion by Tommy Taneff, second by Jill Pugh

Final Resolution: Motion Carries

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

Action: 9.04 Ratification of Closed Compliance CasesFUN 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 2016-1600153

Case number 2017-1700001

Case number 2017-1700002

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Eric A. Griffin explained the process by which the cases were closed. A motion was made and seconded. Mr. Rettig asked the board for discussion. The vote commenced.

Motion to ratify the closed compliance cases presented and confirm closed.

Motion by Tommy Taneff, second by William A Dodson

Final Resolution: Motion Carries

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

Information: 9.05 Pending Investigations

The board was provided a summary of Pending Investigations in the agenda item details for review. The document provided may be located in the agenda item located online at the following link:

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACRT3N756BDC/\\$file/Pending%20cases.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACRT3N756BDC/$file/Pending%20cases.pdf)

Board meeting notation: Mr. Jon Rettig introduced the agenda item and stated it was information only; no motion nor vote was necessary.

Action, Information: 9.06 Attorney General Case Status Update

Board meeting notation: Mr. Jon Rettig introduced the agenda item. Mr. Rettig asked board counsel for a reason why some cases do not move from the list. Ms. Katherine Bockbrader answered that the cases are kept listed as information for new members. Mr. Thomas Taneff asked Ms. Bockbrader to consider at least removing the closed cases. Ms. Bockbrader agreed that she could remove those.

10. Board Operations

Action, Discussion: 10.01 Discussion and Scheduling of Future Meeting Dates

The following was resourced from Ohio.gov:

2016 Holidays

- ◦ Labor Day – 9/5 (Monday)
- Columbus Day – 10/10 (Monday)
- Veteran's Day – 11/11 (Friday)
- Thanksgiving – 11/24 (Thursday)
- Christmas – 12/26 (Monday)

2017 Holidays

- ◦ New Year's Day – 1/2 (Monday)
- Martin Luther King, Jr. Day – 1/16 (Monday)
- President's Day – 2/20 (Monday)
- Memorial Day – 5/29 (Monday)
- Independence Day – 7/4 (Tuesday)
- ◦ Labor Day – 9/4 (Monday)
- Columbus Day – 10/9 (Monday)
- Veteran's Day – 11/10 (Friday)
- Thanksgiving – 11/23 (Thursday)
- Christmas – 12/25 (Monday)
-

Board meeting notation: Mr. Jon Rettig introduced the agenda item. There was discussion among the board about meetings dates remaining for calendar year 2016:

1. Mr. Rettig announced that the operations committee meetings will be stricken from the schedule for the months of October and December. The meetings scheduled for September 19th and November 21st will be kept tentatively.
2. Mr. Rettig announced that the apprentice interviews schedule has changed due to new members to the board and is as follows: September - William Wappner; October - Jon Rettig and another member, if necessary; November - TBD; and December - Jill Pugh and another member, if necessary.
3. Mr. Rettig announced that the monthly board meeting day will change from Mondays to the fourth Wednesday of each month, unless otherwise indicated, beginning January 25, 2017. The start time will remain at one o'clock (1:00 p.m.). The 2017 schedule is as follows:
Wednesday, January 25, 2017
Wednesday, February 22, 2017
Wednesday, March 22, 2017
Wednesday, April 26, 2017

Wednesday, May 24, 2017

Wednesday, June 28, 2017

Wednesday, July 19, 2017

Wednesday, August 23, 2017

Wednesday, September 27, 2017

Wednesday, October 25, 2017

Wednesday, November 15, 2017

Wednesday, December 20, 2017

4. Mr. Rettig announced that the apprentice interviews will be conducted on Tuesday, and conclude the following Wednesday morning if needed, unless otherwise indicated, preceding the board meeting date.

Information: 10.02 Inspections

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

Inspection Date	Credential Number	Name	County	Contact	Reason	Status	Comments
20160712	FH 001753	ALEXANDER FUNERAL HOME	Holmes	Tiffany Rouse	Annual Inspection	ACTIVE	In Compliance
20160727	FH 002606	ALLMON- DUGGER-COTTON FH	Carroll	Curtis Cotton	Annual Inspection	ACTIVE	In Compliance
20160707	FH 003202	ANDERSON MCDANIEL FH	Meigs	obtained key/walked thru	Annual Inspection	ACTIVE	In Compliance
20160707	FH 002994	ANDERSON- MCDANIEL FH	Meigs	Adam McDaniel	Annual Inspection	ACTIVE	In Compliance
20160729	FH 002782	ATKINS-SHIVELY FUNERAL HOME	Champaign	Roxanne E. Shively	Annual Inspection	ACTIVE	In Compliance
20160720	FH 001135	AUBLE FUNERAL HOME INC	Wayne	Mark Auble	Annual Inspection	ACTIVE	In Compliance
20160727	FH 001567	BAXTER- GARDNER FUNERAL HOME	Carroll	James Gardner	Annual Inspection	ACTIVE	In Compliance
20160712	CREM 000037	COLUMBUS CREMATORY	Franklin	Jim P. Gillespie	Annual Inspection	ACTIVE	In Compliance
20160707	FH 001969	CREMEENS FUNERAL HOME	Meigs	obtained key/walked thru	Annual Inspection	ACTIVE	In Compliance
20160707	FH 003203	CREMEENS-KING FH LLC	Meigs	Tamara Hill	Annual Inspection	ACTIVE	In Compliance
20160706	FH 003087	CROSSER FH	Ottawa	L. A. Krumnow	Annual Inspection	ACTIVE	In Compliance
20160712	FH 003107	CROUSE-KAUBER- FRALEY FH	Licking	Shanon Hall	Annual Inspection	ACTIVE	In Compliance
20160720	FH 002946	CUSTER-GLENN FH INC	Wayne	Maureen Watts	Annual Inspection	ACTIVE	In Compliance
20160722	FH 003082	DAVID R JASIN- HOENING FH	Lucas	Barbara Hoening	Annual Inspection	ACTIVE	In Compliance

20160725	FH 000566	DAVIS-TURNER FUNERAL HOME	Highland	No One Available	Annual Inspection	ACTIVE	
20160727	FH 003360	DECKMAN- BARTLEY FH	Carroll	obtained key/walked thru	Annual Inspection	ACTIVE	In Compliance Complete remodel of holding room In Compliance
20160713	FH 002996	DILLEY-LASATER FH	Knox	obtained key/walked thru	Annual Inspection	ACTIVE	In Compliance
20160727	FH 000106	DODDS FUNERAL HOME	Carroll	Lester Dodds	Annual Inspection	ACTIVE	In Compliance
20160713	FH 001547	DOWDS-SNYDER FUNERAL HOME	Knox	Jeff Briggs	Annual Inspection	ACTIVE	In Compliance
20160725	FH 003349	EDGINGTON FUNERAL HOME	Highland	No One Available	Annual Inspection	ACTIVE	
20160728	CREM 000118	ENGLE-SHOOK CRS	Seneca	Karen Crabill	Annual Inspection	ACTIVE	In Compliance
20160728	FH 002668	ENGLE-SHOOK FH	Seneca	Karen Crabill	Annual Inspection	ACTIVE	In Compliance
20160728	FH 002669	ENGLE-SHOOK FH	Seneca	No One Available	Annual Inspection	ACTIVE	
20160707	FH 003265	EWING- SCHWARZEL FH	Meigs	Kevin Schwarzel	Annual Inspection	ACTIVE	In Compliance
20160707	FH 002998	FISHER- ANDERSON- MCDANIEL FH	Meigs	obtained key/walked thru	Annual Inspection	ACTIVE	In Compliance
20160713	FH 000618	FLOWERS- SNYDER FUNERAL HOME	Knox	obtained key/walked thru	Annual Inspection	ACTIVE	In Compliance
20160729	FH 002617	FRESHWATER, MCDONALD & VERNON FH	Champaign	Jessica L. Stebbins	Annual Inspection	ACTIVE	In Compliance
20160706	FH 002896	GERNER- WOLF-WALKER FH	Ottawa	Margaret Carrisalez	Annual Inspection	ACTIVE	In Compliance
20160719	FH 002461	GILBERG- HARTWIG FUNERAL HOME	Auglaize	Keith W. May	Annual Inspection	ACTIVE	In Compliance
20160701	FH 002692	GILBERT-FELLERS FH INC	Montgomery	Matt Fellers	Annual Inspection	ACTIVE	In Compliance
20160720	FH 001138	GRESSER FUNERAL HOME	Wayne	unlocked/walked thru	Annual Inspection	ACTIVE	In Compliance
20160719	FH 000834	H H ROBERTS MORTUARY INC	Montgomery	Cheryl Roberts	Annual Inspection	ACTIVE	In Compliance
20160714	FH 003418	H.H. BIRKENKAMP FUNERAL HOME	Lucas	Sue Birkenkamp	Annual Inspection	ACTIVE	In Compliance

20160725	CREM 000132	HIGHLAND CREMATORY	Highland	Allison Miller	Annual inspection	ACTIVE	In Compliance
20160728	FH 002714	HOFFMANN- GOTTFRIED-MACK FUNERAL HOME, INC.	Seneca	Chris Zimmerman	Annual Inspection	ACTIVE	In Compliance
20160721	FH 000407	HOPE & HEART FUNERAL HOME BY SCHOEDINGER	Franklin	No One Available	Annual Inspection	ACTIVE	
20160712	FH 003206	HOSKINSON FS	Licking	Betty Hoskinson	Annual Inspection	ACTIVE	In Compliance
20160712	FH 003209	HOSKINSON FUNERAL SERVICE	Licking	No One Available	Annual Inspection	ACTIVE	
20160713	FH 003368	LASATER FUNERAL HOME	Knox	Mark LaClair	Annual Inspection	ACTIVE	In Compliance
20160712	FH 001486	LAW-BAKER FUNERAL HOME	Licking	Dustin Baker	Annual Inspection	ACTIVE	In Compliance
20160705	CREM 000102	LIMA CREM SVC	Allen	Door Unlocked- Walked Thru	Annual Inspection	ACTIVE	In Compliance
20160712	FH 002088	LINDSEY FUNERAL HOME	Ashland	Walter Lindsey	Annual Inspection	ACTIVE	In Compliance
20160726	FH 001830	LONG FUNERAL SERVICES INC	Franklin	Rudolph P. Skunza, Jr.	Annual Inspection	ACTIVE	In Compliance
20160712	FH 002478	MURRAY FUNERAL HOME INC	Wayne	obtained key/walked thru	Annual Inspection	ACTIVE	In Compliance
20160706	FH 002422	NEIDECKER- LEVECK & CROSSER FH	Ottawa	Becky Johnson	Annual Inspection	ACTIVE	In Compliance
20160706	FH 001951	NEIDECKER- LEVECK & CROSSER FUNERAL HOME	Ottawa	Tom Priesman	Annual Inspection	ACTIVE	In Compliance
20160719	FH 002460	NEWCOMER FH	Montgomery	Cheryl Kelly	Annual Inspection	ACTIVE	In Compliance
20160714	CREM 000180	NORTH CENTRAL OHIO CREMATION SRV	Richland	James Deal	Annual Inspection	ACTIVE	In Compliance
20160714	CREM 000069	NORTH CENTRAL OHIO CREMATION SVCS	Richland	David Dauterman	Annual Inspection	ACTIVE	Not Using this facility. Planning on not renewing license.
20160713	CREM 000128	OHIO FUNERAL SUPPORT SVCS	Knox	Jeff Briggs	Annual Inspection	ACTIVE	In Compliance

20160712	FH 003373	O'SHAUGHNESSY CO FUNERAL DIRECTORS	Franklin	Jim P. Gillespie	Annual Inspection	ACTIVE	In Compliance
20160705	FH 003273	PEINERT-DUNN FH	Lucas	Michael Kirchner	Annual Inspection	ACTIVE	In Compliance
20160705	FH 003274	PEINERT-DUNN FH	Lucas	Michael Kirchner	Annual Inspection	ACTIVE	In Compliance
20160705	FH 003275	PEINERT-DUNN FH	Wood	No One Available	Annual Inspection	ACTIVE	In Compliance
20160714	FH 003291	REEB FUNERAL HOME	Lucas	John K. Watkins II	Annual Inspection	ACTIVE	Monitored Apprentice Abby Reeb, FD only
20160725	FH 003351	RHOADS- EDGINGTON FH	Highland	Richard Donley	Annual Inspection	ACTIVE	In Compliance
20160701	FH 002751	ROGERS' FUNERAL HOME	Montgomery	Dawn M. Powers	Annual Inspection	ACTIVE	In Compliance
20160701	FH 001705	ROGERS FUNERAL HOMES INC	Montgomery	No One Available	Annual Inspection	ACTIVE	In Compliance
20160719	FH 002741	ROUTSONG FUNERAL HOME	Montgomery	Thomas A. Routsong	Annual Inspection	ACTIVE	Monitored Apprentice Ian W. Forrest, Jr.
20160712	FH 002468	SCHLABACH FUNERAL HOME	Wayne	unlocked/walked thru	Annual Inspection	ACTIVE	In Compliance
20160712	FH 003032	SCHOEDINGER FUNL CHOICES	Franklin	Jim P. Gillespie	Annual Inspection	ACTIVE	In Compliance
20160726	FH 000423	SCHOEDINGER NORTH CHAPEL	Franklin	Bradley T. Kopp	Annual Inspection	ACTIVE	In Compliance
20160712	FH 000402	SCHOEDINGER STATE STREET CHAPEL	Franklin	Jim P. Gillespie	Annual Inspection	ACTIVE	In Compliance Apprentice Jennifer R. Badgett another location
20160728	CREM 000138	SENECA COUNTY CREM	Seneca	Richard Traunero	Annual Inspection	ACTIVE	In Compliance
20160726	FH 002170	SKUNZA FUNERAL SERVICE	Franklin	Rudolph P. Skunza, Jr.	Annual Inspection	ACTIVE	In Compliance
20160712	FH 003455	SMITH FUNERAL HOME, INC	Tuscarawas	Lee Varnes	Annual Inspection	ACTIVE	In Compliance
20160713	FH 001194	SNYDER FUNERAL HOME	Knox	obtained key/walked thru	Annual inspection	ACTIVE	In Compliance

20160722	FH 002934	SUJKOWSKI FH	Lucas	A. Stramyak Keesee	Annual Inspection	ACTIVE	In Compliance
20160725	FH 001313	THOMPSON FH	Highland	Meghan Davis	Annual Inspection	ACTIVE	In Compliance
20160728	FH 002228	THORN-BLACK FUNERAL HOMES INC	Guernsey	unlocked/walked thru	Annual Inspection	ACTIVE	In Compliance
20160728	FH 002229	THORN-BLACK FUNERAL HOMES INC	Guernsey	Brian McClelland	Annual Inspection	ACTIVE	In Compliance
20160705	CREM 000140	TOLEDO MEMORIAL PARK	Lucas	Jeffery C. Clegg	Annual Inspection	ACTIVE	In Compliance
20160728	FH 002080	TRAUNERO FUNERAL HOME INC	Seneca	Richard Traunero	Annual Inspection	ACTIVE	In Compliance
20160725	FH 002534	TURNER & SON FUNERAL HOME	Highland	Allison Miller	Annual Inspection	ACTIVE	In Compliance Monitored Apprentice Allison Miller
20160725	FH 001645	TURNER FUNERAL HOME	Highland	No One Available	Annual Inspection	ACTIVE	
20160714	FH 000933	WAPPNER FUNERAL DIRECTORS	Richland	David Dauterman	Annual inspection	ACTIVE	In Compliance
20160714	FH 000934	WAPPNER FUNERAL DIRECTORS	Richland	Alexis Ewing	Annual Inspection	ACTIVE	In Compliance
20160714	FH 003361	WAPPNER FUNERAL DIRECTORS	Richland	James Dael	Annual Inspection	ACTIVE	In Compliance

The board was provided a summary of Inspector's Report in the agenda item details for review. The document provided may be located in the agenda item located online at the following link:

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACPOJ96977AE/\\$file/Inspections%20Summary-%20SFY2017.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACPOJ96977AE/$file/Inspections%20Summary-%20SFY2017.pdf)

Board meeting notation: Mr. Rettig introduced the agenda item and stated it was information only; no motion nor vote was necessary. Mr. Rettig asked the board inspectors if this month was typical or heavy. Mr. Eric Anderson replied that it was a heavy month for investigations for him.

Information: 10.03 Budget Overview

The board was provided a summary of Budget Overview in the agenda item details for review. The document provided may be located in the agenda item located online at the following link:

[http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACRR7V6CAB08/\\$file/Vouchers%20from%20July%202016.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/ACRR7V6CAB08/$file/Vouchers%20from%20July%202016.pdf)

Board meeting notation: Mr. Jon Rettig introduced the agenda item and stated it was information only; no motion nor vote

was necessary. Mr. Rettig informed Mr. Tim Derickson that he would assist in the upcoming budgeting for fiscal years 2017 through 2018. Mr. William Wappner offered to help as well.

Mr. Thomas Taneff requested to share his concerns before adjourning the meeting:

1. Mr. Taneff would like the interim executive director to look into how to retrieve the meeting videos.
2. Mr. Taneff restated his earlier requests for the research of:
 - a. the board's retention policy;
 - b. the board policy allowing the executive director to settle cases;
 - c. changing the requirement of five days notice before holding a meeting to twenty-four hours;
 - d. changing the requirement of the executive director reporting to the board secretary-treasurer to the board president;
 - e. eliminating the board policy allowing the board executive director to work from home (teleworking).
3. Mr. Taneff questioned if there was a remedy for the former executive director's use of a state auto.

Mr. Taneff congratulated Mr. Jon Rettig and Mr. Eric A. Griffin for a seamless transition of handling the interim executive director position. Mr. Rettig stated that Mr. Griffin has been very helpful through the process.

11. Adjournment

Action: 11.01 Adjourn the Meeting

Board meeting notation: Mr. Jon Rettig introduced the agenda item and asked the board if there were any further items for discussion. Mr. Rettig asked for a motion to adjourn the meeting. A motion was made and seconded. Mr. Rettig asked the board for further discussion. The vote commenced.

Motion to adjourn the meeting.

Motion by Tommy Taneff, second by Bryan E Chandler

Final Resolution: Motion Carries

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

Board meeting notation: The August 15, 2016 Meeting of the Board adjourned at 2:47 p.m.