

Regular Meeting (Monday, May 16, 2016)

Generated by Jarrod Williams on Tuesday, May 17, 2016

NOTE: The Executive Director would like to point out at 1:41 in the video of the April 26, 2016 meeting there is a dark screen that appears and the title screen re-appears for a moment. Before the dark screen Vice President Wasko seconds a motion, and after President Boyer asks for any discussion. The video is not missing any content, but does contain a dark screen followed by the reappearance of the title screen for a moment between two sections of the recording.

This meeting of the Board of Embalmers and Funeral Directors was video recorded. You may view this meeting in its entirety at: <https://www.youtube.com/watch?v=stiJbRaNaJ4&feature=youtu.be> to fully understand and appreciate the rationale behind the board's decisions. MINUTES SHALL BE CONSIDERED UNOFFICIAL UNTIL READ AND APPROVED BY FORMAL VOTE AT A SUCCEEDING REGULAR MEETING.

Members present

Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Meeting called to order at 1:06 p.m.**1. Convening of the Board - President**

Action, Procedural: 1.01 Calling of the Roll**Action, Minutes: 1.02 Consideration of the April 2016 Minutes**

The board was provided a link to view the meeting minutes in the agenda item details for review.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer asked the board if all had taken opportunity to review the minutes. Mr. Boyer asked for a motion to approve. Mr. Robert Wasko, board vice president, motioned to approve, and Mr. Jon Rettig, board member, seconded the motion. Mr. Thomas Taneff, board member, stated his concerns about the minutes. Mr. Taneff began with his discovery of a discrepancy between the online version and hard copy (paper) version of sections 6.08 and 6.09 of the April 2016 Board Agenda. After the meeting convened, Mr. Taneff returned to his office and studied the hard copy provided to him, and available to the public, for comparison and noticed the two sections were numbered differently than the electronic version posted in BoardDocs. Mr. Wasko asked Mr. Taneff if he meant that the sections were titled wrong. Mr. Taneff replied that the numbering was wrong. Ms. Vanessa Niekamp, executive director, announced that Mr. Taneff was correct in that the numbering was not the same. Ms. Niekamp explained that the hard copies were printed on the Friday before the meeting and additional information was added to BoardDocs on Monday morning. Mr. Taneff recalled that he had trouble logging in to the system on the computer and relied mainly on the hard copy during the meeting. Mr. Taneff remarked that he was uncertain if the meeting minutes need to be modified or amended to reflect this discrepancy.

Mr. Taneff presented another concern about the board meeting agenda. Mr. Taneff expressed that, as in last month's meeting and this meeting, the agenda is not being presented until Friday (before the meeting). Mr. Taneff recounted that the (April) agenda was not available until approximately four o'clock (p.m.) and indicated that he was out-of-town and did not have the ability to return to his office. Mr. Taneff questioned the possibility to provide the agenda to the board members before four o'clock on Friday. Mr. Taneff introduced another concern. Mr. Taneff stated that in effort to rush through, the board took action on the assessment and plan which attempted to change the classification of Ms. Niekamp and attempted to give her a pay raise. Mr. Taneff declared that the board did not discuss this item in detail; it was rushed through and voted upon and passed. Mr. Taneff remarked that he was uncertain if the board has legal authority to change her (Ms. Niekamp) classification. Mr. Taneff noted that it was the hard copy that he relied upon for the meeting- not BoardDocs. Mr. Wasko commented that it was Mr. Taneff who relied on the hard copy. Mr. Taneff affirmed that he relied on it and suggested the general public may have relied on the hard copy as well. Mr. Wasko offered to address a couple of Mr. Taneff's concerns. Mr. Wasko stated that, as from the longest serving member of the board, one reason why the agenda is not provided until four o'clock on Friday is because of requests from licensees. The board office gives licensees up to Thursday, before the board meeting, to request name changes, licensing, etc. as a courtesy. (In the past) board members agreed to use the weekend to review the meeting (agenda). Mr. Wasko said that, as licensees, they (board members) were used to working during the weekend- it's just another day. Mr. Wasko acknowledged and understood that Mr. Taneff may not work on the weekend, but continued to say that this was a reason why the courtesy was started about eight years ago. Mr. Boyer commented that some reports come from the Office of the Attorney General, and questioned Ms. Niekamp when those reports were due. Ms. Niekamp answered that those reports from board counsel do not really have a time frame are entered (to BoardDocs) when available. Ms. Niekamp concurred with Mr. Wasko's explanation of giving licensees until Thursday and confirmed that that board office takes most of the day on Friday to compile the rest of the agenda. Ms. Niekamp asked if it was the board's pleasure to move the time frame back, the board office would need to change the timeline for the licensees. Mr. Boyer reiterated that the deadline for licensees to be on the agenda has been the Thursday before the meeting date. Mr. Rettig asked if the board has always met on Mondays. Mr. Boyer replied that most of the time the board meets on a Monday and sometimes on a Tuesday.

Mr. Taneff asked the board how it wanted to handle the board meeting minutes before them, given the fact of a discrepancy between the hard copy and electronic copy. Mr. Wasko responded to Mr. Taneff that the board is set to vote on the minutes not the agenda. Mr. Taneff acknowledged understanding Mr. Wasko, but suggested that the minutes address this issue because there should be an existing record to memorialize the error. Mr. Wasko implied the minutes would. Mr. Taneff clarified that he brought the error to his attention. Ms. Niekamp added that the information that was available in BoardDocs to the public matches exactly what is in the minutes. Ms. Niekamp continued to say that as the meeting was happening and as the agenda was published in BoardDocs, and what was always available to the public, is exactly what is also in the minutes. Ms. Niekamp pointed out that the online difference is that (agenda) items were moved around between printing the hard copy (and meeting); announcing that when handing the hard copy out. Mr. Taneff responded to Ms. Niekamp that he, nor other board members, were made aware of the difference by her when handing out the hard copy.

Mr. Taneff returned to one of his previous concerns mentioned earlier in the meeting. Mr. Taneff stated again his belief that the board does not have authority to change, or attempt to change, Ms. Niekamp's classification nor, what appears to be an attempt, to give her a pay raise. Mr. Boyer asked Ms. Niekamp who motioned and seconded that (assessment) item. Ms. Niekamp replied that she will look for it. Mr. Wasko offered to address Mr. Taneff's concern. Mr. Wasko remarked that this would probably be either the third or fourth time the board has changed classification (of its executive director). It's an occasional process with DAS (Dept. of Administrative Services), that also involves and meeting with Operations Committee and DAS/Central Services as a standard procedure. Mr. Taneff questioned the board's assistant attorney general if she had knowledge, or not, if that is standard procedure. Ms.

Katherine Bockbrader, board counsel, replied that she didn't know what the answer to that is. Ms. Bockbrader believed that both the board and DAS had to approve it, but would need to check. Mr. Wasko remarked that he has knowledge of the process working with DAS and declared that the board does not need approval; the board is their customer and they are paid to assist the board. There is no approval process. Mr. Wasko stated that law indicates that DAS has no right to be involved in the board's finances. Ms. Bockbrader responded that DAS creates the classifications. Mr. Wasko agreed and continued to say that the board must use one of their classifications, based on the assessment, to keep the agencies uniform for the type of agency and size as they change. This standard procedure is typically revisited every three years or so. Mr. Taneff specified that there was not a discussion by this board about giving Ms. Niekamp a pay raise at the last board meeting. Ms. Niekamp noted that there were not any discussions on multiple agenda items before the board had taken action; specifically, after the board president asked for a motion, asked for a second, and asked for discussion before calling for the vote. Ms. Niekamp stated that this agenda item was not the only item, among many at this meeting and others, to not have discussion.

Mr. Taneff opined that this issue was too important to accept being published on Friday at four o'clock and added that he was experiencing computer trouble the following Monday at the beginning of the meeting. Mr. Taneff continued by expressing that the board cannot ignore discussion and just sweep this under the rug. Mr. Boyer replied that if discussion occurred outside the meeting, the board would violate the Sunshine Laws. Mr. Taneff replied that he wanted the discussion during the last board meeting. Mr. Boyer recalled that a motion was made, seconded, and that he asked for discussion (on the assessment item). Ms. Niekamp questioned Mr. Taneff about his highlighted markings and detailed notes in front of him that appeared to be written on his hard copy of April's Board Meeting Agenda. Mr. Taneff replied that he marked the pages after the meeting. Ms. Niekamp replied that Mr. Taneff stated earlier that the hard copy is what he used at the last board meeting. Mr. Taneff described his discovery of error with the numeration of categories while in his office during his study of the agenda after the board meeting. Ms. Niekamp explained that the numeration discrepancy was due to adding consent items (to BoardDocs) to be ratified. Mr. Wasko declared that the (agenda) content was always available and emphasized to Mr. Taneff that it was his fiduciary duty to review meeting materials before a meeting and bring any concerns or questions about the material to the board during discussion. Mr. Wasko described how he prepares for board meetings. Mr. Taneff responded that he was not able to log on to the system prior to the meeting and reminded that the hard copy was not provided to him until after start of the meeting. Mr. Wasko questioned if Mr. Taneff could log on to BoardDocs over the weekend. Mr. Taneff replied that he could not.

Mr. Rettig commented that the (review) method is not always foolproof. Mr. Rettig described his own trying experience in accessing BoardDocs, but resolved the impediment by contacting Ms. Niekamp for assistance. Mr. Rettig continued to say that the material was available for review, although somewhat hidden for a new member to easily recognize, and didn't fully understand it and had questions. Mr. Rettig stated that he spoke with board counsel by telephone for clarity, and for a new person it was difficult to find the information and to understand where the ramifications were. Mr. Rettig acknowledged it is the responsibility of the board members to review the agenda before the meeting, but stated concern about the time period in which to do it; especially for a new board member. Mr. Rettig stated that he did not realize there was a significant increase of about eight dollars an hour in the agenda item. Mr. Taneff added to Mr. Rettig's comment by stating his concern that the public also did not have time to review the assessment item because the agenda was published late on the Friday before the meeting. Mr. Taneff recommended that a subject such as the assessment item should be added to the agenda and discussed over the next couple of months - not be added to the agenda at four o'clock on the Friday before a vote to occur at the Monday meeting.

Mr. Boyer asked the board if there was any more discussion. Mr. Taneff asked the board how it wanted to handle this. Mr. Wasko responded to Mr. Taneff by stating that he was not in favor of making any changes just for Mr. Taneff's convenience. Mr. Wasko said that he did not wish to take away the time period for licensees (to provide

submissions) ahead of the meetings. Mr. Taneff clarified that he was asking what the board is going to do about the eight dollars pay raise. Mr. Wasko stated that the board was discussing the minutes and that Mr. Taneff could bring up his concern at a later time. Mr. Taneff replied that he would return to it after the vote of the minutes. Mr. Boyer asked if there was any more discussion. The vote commenced.

Motion to approve to the meeting minutes from the April 26, 2016 Meeting of the Board.

Motion by Robert Wasko, second by Jon Rettig.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Jon Rettig

No: Tommy Taneff

Board meeting notation: Mr. Taneff returned to his concern and opined that it was not appropriate to give Ms. Niekamp an eight dollar an hour pay raise. Mr. Wasko remarked to Mr. Taneff that he was not sure his stated amount was correct. Mr. Taneff asked Ms. Niekamp to share the amount. Ms. Niekamp replied that all of the information was uploaded to the minutes. Mr. Taneff asked Ms. Niekamp how many dollars per hour was the increase. Ms. Niekamp replied that she would need to pull the minutes up to reflect that.

2. Licensure

Action: 2.01 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
Emb.009689 Fd.009798	Jakeway, Dale J	Westerville
Fd.009799	Mylott, James H.	Willoughby
Emb.009690 Fd.009800	Shelley, Chrissa L.	Georgetown
Fd.009801	Srnovrsnik, Alex W.	Eastlake
Emb.009691 Fd.009802	Tubero, Joy E.	Independence
Fd.009803	Upchurch, Kimberly N.	Bedford Hts
Emb.009692 Fd.009804	Van Horn, Kyle S.	Bellefontaine

Board meeting notation: Mr. Robert Wasko, board vice president, motioned to approve the recommended applications within agenda item 2.01. Mr. Gregory Boyer, board president, seconded the motion. Mr. Boyer asked the board for discussion. The vote commenced.

Motion to approve the recommended applications for initial licensure.

Motion by Robert Wasko, second by Gregory Boyer.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Jon Rettig

No: Tommy Taneff

Action: 2.02 Ratification of Facility Licenses

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

Name Changes:

License #	Current Name	New Name	Location
FH 001274	CRAVEN & SNYDER FUNERAL HOME	Snyder Funeral Home, Craven Chapel	Mt. Gilead
FH 003345	KINNICK FH MCCLURKIN MEMORIAL CHAPEL	Kinnick Funeral Home	Girard

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Bryan Chandler, board secretary, motioned to approve the ratification of the facility licenses. Mr. Gregory Boyer, board president, seconded the motion. Mr. Boyer asked the board for discussion. The vote commenced.

Motion to ratify the names of the facility licenses.

Motion by Bryan E Chandler, second by Gregory Boyer.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Information: 2.03 No Motion Items

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

Individuals issued a Registration number

DUAL	Kennedy, Dan M.	London	04/26/16
FD	Prenger, William N.	St Henry	04/05/16

Individuals Certified as an Apprentice

Type	Name	Funeral Home	City	Date
FD	Prenger, William N.	N J Hogenkamp & Sons FH	Minster	04/13/16
FD	Smith, Jamie A.	Lewis & Gillum FH	Jackson	04/01/16

Change the manager and/or AIC (name will need to be added to funeral home sign within 24 months):

License #	Firm Title	Licensee Name	Type	Location
FH 003235	BENNETT- BROWN- RODMAN & SNYDER FH	LEE K SMITH	Manager	Delaware
FH 002418	Newcomer Funeral Home	Melanie L. Duckworth	Manager	Kettering

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer stated it was a no motion item and announced the category names.

3. Continuing Education

Action: 3.01 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/A9WRNJ64FF42/\\$file/2016%20May%20CE%20Programs.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/A9WRNJ64FF42/$file/2016%20May%20CE%20Programs.pdf)

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer asked the board if all had a chance to review the lists of programs. Mr. Boyer asked the board for a motion to approve. Mr. Bryan Chandler, board secretary, motioned to approve the applications. Mr. Boyer asked the board for a second. Mr. Robert Wasko, board vice president, seconded the motion. Mr. Boyer asked the board for discussion. The vote commenced.

Motion to approve the applications recommended for continuing education programs.

Motion by Bryan E Chandler, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Jon Rettig

No: Tommy Taneff

Action: 3.02 Proposed Legislation Survey

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

The Executive Director proposes the board issue two (2) hours of Continuing Education hours for any participant who completes the attached Survey and returns it to the board's booth during this year's OFDA and Buckeye State Funeral Directors conventions. The input would help the board determine interest in and support of legislative revisions.

The survey will be tabulated and shared with the board at the August meeting.

To help us determine your interest in, and support of revisions to the law, please complete this survey and return it to the Ohio Board of Embalmers and Funeral Directors booth during the conference to receive two (2) hours of continuing education hours.

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<p>Change the name of the Board of Embalmers and Funeral Directors to the Funeral Board The funeral industry has evolved since the establishment of this board in 1902. Today consumers refer to those who practice in this industry under many titles such as: Undertakers, Morticians, Embalmers, Funeral Directors, and my others.</p>					
The name change makes it easier for consumers to find the board, as many may be using a different term than Embalmer with trying to locate help.					
By changing the name of the board to simply the Funeral Board, it increases public perception of the regulatory services they provide.					
<p>Allow the Executive Director of the board to issue temporary licenses Currently a licensee for an individual or business license must wait for the next board meeting to become legally licensed and have the ability to provide services. The board meets once a month and if the licensee does not have all of their paperwork in order by the single meeting date available each month, they must wait an entire month to practice.</p>					
The licensure process can be expedited and we can get our citizens actively employed in the funeral profession by authorizing the Executive Director to issue temporary licenses.					
<p>Eliminate the funeral home naming restrictions The current funeral home naming requirements are overly restrictive and require funeral homes to be named for their licensed operators; and family/business names cannot be carried from one location to another unless there is still a licensed operator associated to the new facility. In 2012 a federal judge in Pennsylvania ordered the state to rewrite its funeral regulations which mirrors Ohio regarding naming of funeral homes. Judge John Jones III of the Middle District Court of Pennsylvania ruled the funeral regulations were antiquated and potentially unconstitutional. Many in Pennsylvania argued the naming rule was designed to protect consumers by keeping owners accountable. But the judge described that regulation as "thinly veiled attempts to maintain the status quo for established funeral directors and their families." Eliminating an overly restrictive regulation, will increase public protection by removing the naming limitations and adding more information for consumers about the owners and operators of the business.</p>					
<p>Preneed Laws Preneed laws have been tracked on a national level in the US for the past 15 years. In that time a dozen states have adopted new preneed laws and regulations while ten states, including Ohio, have made significant revisions to their laws to provide protection to consumers and limit the risk in pre-paying for a funeral. Seven important consumer protections areas have been identified. Ohio ranks in the top of all states in six of those consumer protection areas and with these revisions ensure the seventh consumer protection area was covered by Ohio law:</p> <ol style="list-style-type: none"> 1. Portability rights <ol style="list-style-type: none"> 1. Consumers in Ohio have the unfettered right to transfer prepaid funds to another funeral home. (Ohio is one of 39 states that have this.) 2. Transfer fees <ol style="list-style-type: none"> 1. Ohio restrict the transfer fee to 10% of the prepaid funds 2. However, states like Florida, Missouri, Utah, and Wyoming allow funeral homes to retain all trust fund earnings or to impose transfer fees of up to 25% of the funds in trust when a consumer transfers preneed funding. 3. Comprehensive contract disclosures <ol style="list-style-type: none"> 1. Ohio is one of 27 states to receive an excellent rating on consumer contract disclosures. 4. Trusting levels <ol style="list-style-type: none"> 1. Ohio is one of 29 states to require 100% of the funds be trusted. Some states, like Florida and Hawaii have a primary trusting level as low as 70%. 5. Prohibitions against sellers withdrawing earnings from preneed trusts <ol style="list-style-type: none"> 1. Ohio's law further protects consumer funds by not allowing sellers to withdraw trust funds. 2. There are twelve states that will allow the seller to withdraw all or a portion of the interest earned on the trust. 6. Confirmation of preneed deposits <ol style="list-style-type: none"> 1. Ohio is one of only 16 states requiring banks or funeral homes to confirm preneed deposits with consumers. 7. Preneed guaranty fund <ol style="list-style-type: none"> 1. 14 states currently have a preneed guaranty fund 					
Creating a Preneed Guaranty Fund would provide protection to consumers and limit the risk in pre-paying for a funeral.					
Ohio should continue to require 100% of preneed funds paid by the purchaser to the seller be deposited and remain in trust. Reducing the % trusted reduces protection for consumers.					
Additional Comments:					

Completed by: _____
(please print name and provide license number for CE hours)

Survey received and certificate provided by: _____
(board or staff member)

The board was provided a copy of the paper version of the proposed legislative survey in the agenda item details for review.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer stated the survey's purpose was to get opinions concerning legislation in Ohio (regarding the funeral industry). Mr. Boyer shared his desire that people will research past and current legislative efforts to educate themselves, and maybe study other states' efforts, before answering the questions. Mr. Bryan Chandler, board secretary, asked Mr. Boyer if the survey was to be handed out at the (OFDA) convention. Mr. Boyer replied that it was and in return for completing the survey, the board would issue two hours credit towards continuing education. Mr. Boyer continued to say that board members, board inspectors, and board staff will be available to answer questions at the convention. Mr. Thomas Taneff, board member, asked how the questionnaire qualifies as continuing education and asked if the survey was an end run around of the OFDA (Ohio Funeral Directors Association). Mr. Boyer replied that he didn't think the survey was a runaround of OFDA, but an opportunity to seek opinions from licensees and industry representatives on legislative efforts in Ohio regarding laws and rules that impact their jobs. It would provide feedback on contested issues such as pre-need funding and funeral home naming requirements. Mr. Boyer compared Ohio's naming rules with the State of Pennsylvania and summarized past legislative efforts and court rulings in that state. Mr. Boyer declared that the board values the opinions of others and welcomes their participation to shape the future of their industry.

Mr. Jon Rettig, board member, asked Mr. Boyer if a motion had been made and asked for the status of the agenda item. Mr. Boyer replied that the board was in discussion. Mr. Taneff responded that a motion has not been made. Mr. Robert Wasko, board vice president, made a motion. Mr. Boyer seconded the motion. Mr. Taneff asked for Mr. Chandler's opinion on the survey. He questioned how the survey provided continuing education for members of the industry. Mr. Chandler responded by stating he believed it was important to value and hear the input from persons

who would be affected by changes in the laws and rules. Mr. Chandler added that continuing education is regulated by the board and noted that this would be an opportunity for people to visit the booth and interact with board members to ask questions and maybe spur conversation. Mr. Taneff remarked that if a person attends a continuing education class, you go to learn something. He has never heard of earning continuing education credit for completing a survey. Mr. Boyer explained that in the past, if a person visited the booth (at convention), a signature was provided to the licensee for one hour credit with no interaction. Mr. Wasko asked Mr. Taneff to clarify what he meant about running against the association. Mr. Taneff replied by questioning if the survey should have gone through OFDA, or shouldn't OFDA conduct a survey. Mr. Wasko suggested that OFDA should probably amongst their members, but there are many licensees that are not members of OFDA. Mr. Taneff questioned if OFDA requested approval of continuing education hours. Ms. Niekamp added that there are more associations, such as Buckeye State (Funeral Directors & Embalmers Association), involved in the recommendation besides OFDA. Buckeye will hold its convention in June and this recommendation is to be provided at several conferences. Ms. Niekamp also pointed out that each question has information to review before answering if there is support or not.

Mr. Jon Rettig, board member, declared that he will vote against the motion because he does not believe the board should solicit opinions from licensees about possible legislation that may affect their livelihood- that's not the board's job. Mr. Rettig continued to state that the board's job is found in the mission statement: to protect consumers and regulate the funeral service profession. Mr. Rettig stated that licensees have the ability to lobby legislators directly or seek assistance through their trade associations. He believes the board is following a slippery slope when, instead of protecting the public, the board solicits opinions from licensees for lobbying efforts. Mr. Rettig remarked that lobbying is best left to a trade association. Mr. Rettig suggested the board's might have a conflict of interest with this survey and is akin to the idiom of a wolf guarding a hen house. The public is likely to perceive the board as protecting the funeral director. Mr. Rettig opined that this was not the board's job. Mr. Chandler asked Mr. Rettig for his opinion about amending the survey. Mr. Chandler asked if Mr. Rettig would approve removing the questions and only providing informational material. The reader would then acknowledge having read the material with their signature for continuing education credit. Mr. Rettig replied that he was against it. Mr. Rettig opined that providing two hours of continuing education for a survey was shameful to legitimate continuing education providers. Mr. Rettig described his past efforts to provide programs in his area of the state.

Mr. Boyer asked Mr. Rettig if he was in favor of providing one hour of credit by signing a card with no interaction. Mr. Rettig replied that there was interaction. Mr. Boyer restated his question asking if Mr. Rettig was in favor of an organization or association, whose members pay to belong and earn their wages from an industry represented by this group, to hire a lobbyist to lobby state representatives to represent licensees and the industry instead of the public. Mr. Rettig recalled his efforts in 1995 and 1996 of testifying at hearings for a Crematory Bill on behalf of OFDA and learned that there was a definite division of interest. It was made known during those hearings that the state board's job was to protect the consumers' interests by regulating (licensees) and to discipline as necessary, and the trade association represented its members. Mr. Boyer provided a brief description regarding a funeral home's ability to keep a percentage of prepaid funds collected. He stated that this was information cited from the questionnaire. Mr. Boyer opined that no one should be allowed to keep any money. He believes that there should be no commission-based products and one-hundred percent funding when it comes to pre-need. He stated that he believes that all prepaid monies should be returned to the consumer if no service has been provided. Mr. Rettig commented that Mr. Boyer's private feelings are irrelevant to this matter. Mr. Boyer responded that the board is for the consumer and not for the industry or the licensee. Mr. Rettig agreed with Mr. Boyer's statement, but asked Mr. Boyer if he could not see that this is a conflict of interest for the board to present this survey.

Mr. Rettig asked Ms. Katherine Bockbrader, board counsel, for her opinion about the discussion. Ms. Bockbrader replied to Mr. Rettig that there were two separate issues: whether this survey qualifies as continuing education and your point. Mr. Rettig affirmed his point that this was not appropriate for the board to be doing. Ms. Bockbrader

asked Mr. Rettig if he meant that the survey would be more appropriate if the public were involved, not just members of the industry and licensees. Mr. Taneff stated that Mr. Rettig hit the nail on the head. Mr. Taneff agreed that asking the industry to complete this survey and rewarding them with two continuing education credits for telling the board what is important to them, so the board can legislate accordingly, is a conflict.

Mr. Boyer commented that licensees can earn two continuing education hours if they attend and listen to a thirty minute Board of Directors Meeting at the upcoming OFDA Convention. Mr. Rettig suggested to take away the approval of hours. Mr. Boyer asked Mr. Taneff if he thought that was appropriate. Mr. Chandler asked aloud how it were any different or appropriate for a licensee to receive one hour of continuing education credit while attending the board (of Embalmers and Funeral Directors) meetings. He stated that it was the same. Mr. Rettig responded that his point is the appropriateness of the issue. He added that when the time comes to sunset or change the board, people will review the minutes in disbelief that the board allowed licensees to comment on legislative efforts. Mr. Rettig opined that this was the most self-serving thing he has seen the Board of Embalmers and Funeral Directors try to do in all the years he has followed the minutes.

Mr. Rettig addressed Mr. Boyer by saying that he agreed with his earlier opinion about no commission products and all for one-hundred percent trusting too, but these are personal preferences. He added that legislative lobbying needed to be done through an association or other means, not a government board responsible to protect the public and consumer. Mr. Boyer suggested that Mr. Rettig was in favor of the bill being introduced to legislators as written. Mr. Rettig replied that he did not say that. Mr. Taneff remarked that Mr. Boyer has a reputation with him of trying to place words into other board members' mouths and stated that Mr. Rettig did not say what Mr. Boyer implied. Mr. Boyer offered a brief summary of past legislative efforts with Representative Ryan Smith to combat pre-need fraud. Mr. Boyer stated that the legislation wasn't written by the board or the OFDA.

Mr. Taneff declared his intention to vote no on the motion. Mr. Rettig commented that this survey was ridiculous and compared it to asking licensees if they would support increasing the number of the continuing education hour requirement from eighteen to thirty. He believes the licensees should not have input in these matters when it is the board's job. Mr. Wasko disagreed with Mr. Rettig and stated that the association(s) would survey their members to determine a (acceptable) number. And finally, the association(s) would dispatch their paid lobbyist to legislators to get the number they want. Mr. Wasko continued to say that the board sometimes disagree and testify that the board is not in favor of their lobbied efforts. Mr. Rettig asked Mr. Wasko for his opinion about if this is good for the board and if the board was acting in the public's best interests. Mr. Wasko replied that it was a survey of stakeholders. Mr. Taneff remarked that the board represents the public, not licensees. He added that licensees are not our stakeholders, the public is our stakeholder. Mr. Wasko responded that everyone is our stakeholders. Mr. Taneff stated that the individual is a stakeholder, not the funeral home. Mr. Wasko replied that he understood the consumer protection aspect of the issue. He commented on past approvals of continuing education programs by the board. He recalled that sometimes public board members have questioned the board's approval of topics of continuing education such as alcoholism. Alcoholism has potential to become an occupational hazard among stressed professions. Mr. Wasko stated that he understood the issue and there were two sides to the issue.

Mr. Rettig disagreed and referred to The New Board Member Handbook given to him by Ms. Niekamp. Mr. Wasko announced the correct pronunciation of Ms. Niekamp's last name. Mr. Rettig stated that the board mission statement, as written in the handbook, does not reflect this issue as being of any service to the public, or protection of the consumer, nor benefiting either in any way. Mr. Wasko suggested that the topic merits further discussion for a later time and made a motion to table his original motion. Mr. Taneff responded that a motion was already made and seconded. Ms. Niekamp confirmed that a motion was made by Mr. Wasko and seconded by Mr. Boyer. Mr. Taneff suggested Mr. Wasko withdraw his motion. Mr. Wasko expressed willingness to withdraw, or table, this topic for further discussion because of its importance. Mr. Taneff stated to Mr. Wasko that he respected him for having

reconsidered his motion. Mr. Chandler questioned Ms. Bockbrader if she was aware of other boards providing continuing education hours similar to this issue. Mr. Boyer asked Ms. Bockbrader if the board was permitted to offer continuing education hours and if there were requirements to do so. Ms. Bockbrader replied that she was not aware of a board giving continuing education hours for someone taking a survey. Mr. Boyer gave an example of The Ethics Commission offering a class and providing hours. Ms. Bockbrader replied that in that case a person is receiving information from someone. She went on to say that she was not aware of anyone receiving two hours of continuing education for two minutes of interaction with someone.

Mr. Boyer declared that the board stands firm on its laws and rules. He added that the board does not agree with OFDA's lobbying efforts to compel the executive director to issue a temporary license upon receipt of application without consideration by the board. He also stated the board does not agree with the addition of directional references in naming of funeral homes. Mr. Boyer added that the board is in favor of a guaranty fund for consumers regarding prepaid pre-need money. Mr. Rettig remarked that these issues have nothing to do with the association. Mr. Wasko explained to Mr. Rettig the history of legislative efforts between OFDA and the board by stating that compromise has been, and must continue to be, from both sides to achieve unity to get things passed with the legislature. Mr. Rettig declared that this issue has nothing to do with legislation and reiterated his opinion that it was not appropriate for this board to solicit opinions from licensees. He added that it is not a function of the public board to do so.

Mr. Wasko asked Mr. Rettig if he was in disagreement with any type of survey, or this particular one. Mr. Rettig replied that he disagreed with any survey. Mr. Boyer asked Mr. Rettig if he was against the board offering continuing education classes free of charge because the board would like to offer classes such as OSHA training. Mr. Rettig stated that would be a slippery slope as well. Mr. Boyer asked Mr. Rettig if he believed that only industry can provide education classes. Mr. Rettig requested Ms. Niekamp to read aloud the board's mission statement found in the handbook. Mr. Boyer questioned if the board was not supposed to give time, free of charge, to an organization who invited a board member to speak at an event planned by that organization who is providing hours (to attendees). Mr. Wasko added that the organization earns dollars (from attendees). Mr. Taneff read aloud the mission statement: *"As servants of the public, our mission is to protect consumers and regulate the funeral service profession by establishing a standard of competency through the licensure of embalmers, funeral directors, crematory facilities, embalming facilities, and funeral homes. The quality of service provided by the board insures public health, establishes fair business practices, and protects a vulnerable client."* Mr. Rettig opined that the board is not in the business of providing educational programming for free. Mr. Boyer commented that the board should no longer attend classes. Mr. Taneff reminded all that Mr. Wasko motioned to withdraw his motion. Mr. Wasko denied he motioned to withdraw and declared that he motioned to table the motion. There was disagreement among the board about the status of the motion. Mr. Wasko announced that he will motion to table it because it was worth talking about. Mr. Boyer suggested that the motion be withdrawn. Ms. Niekamp confirmed recording that Mr. Wasko withdrew the motion, and then motioned to table the item, but it did not receive a second. Mr. Wasko made a motion to table the proposed legislative survey. Mr. Taneff asked Mr. Rettig for his opinion about Mr. Wasko's motion. Mr. Rettig replied that he would like to vote because he believed tabling it for further discussion was not necessary, as he would not change his opinion. Mr. Wasko compared this disagreement to a court of law where each side has an opinion, not right, nor wrong, and stated he was willing to debate at a later time. Ms. Bockbrader asked Mr. Wasko if he meant to table to the next meeting. Mr. Wasko replied affirmative to table to the next meeting. Ms. Bockbrader asked Ms. Niekamp to confirm that no one had seconded the motion. Ms. Niekamp replied that no one had seconded. Mr. Taneff agreed to second the motion, if it was withdrawn. Mr. Wasko clarified that he motioned to table it to the next meeting and asked Mr. Taneff if he seconded the motion. Mr. Taneff replied that he agreed that Mr. Wasko withdraw the motion completely.

Ms. Niekamp requested direction from the board on how the board is to be represented when invited to attend

an event and are expected to provide information or training. Mr. Rettig stated he had no problem with what the Board has done in the past. Mr. Rettig asked Ms. Niekamp if the board has ever presented a survey before this one. Ms. Niekamp replied that she not aware of any. Mr. Wasko suggested to Mr. Rettig that this could be educational and is willing to debate at another time. Mr. Wasko suggested that he could request discussion on the topic again at future meetings. Mr. Wasko asked all if they would prefer an up and down vote. Mr. Rettig asked Mr. Chandler if he agreed with this (survey). Mr. Chandler replied that he does not want (the board) to be the first to try anything. He believes it is better to learn what has worked for others. He pointed out that he located on his iPad the Ohio State Chiropractic Board has a survey posted on their website now. He added that if the survey would create trouble for the board, then he believes that it is not worth pursuing. Mr. Rettig asked if the board already had a stand on this legislation. Mr. Boyer responded by stating the board has an opinion and met with OFDA several times. Mr. Rettig questioned why the request for more opinions. Mr. Boyer continued to recall past back and forth meetings with OFDA on drafting legislation and explained that before an agreed version was introduced, OFDA requested four last minute changes without the board's input. Mr. Rettig opined that if the Governor's Office were aware of this (survey), the board would be replaced for being self-serving. Mr. Wasko asked Mr. Rettig to debate it with him later. Mr. Chandler seconded Mr. Wasko's motion to table to the next meeting. Mr. Boyer asked the board for further discussion. Mr. Rettig requested clarification of the motion they are to vote on. Ms. Niekamp confirmed that Mr. Wasko motioned to table the item to the next meeting and that Mr. Chandler seconded. Mr. Taneff stated for the record that Mr. Wasko withdrew his first motion. The vote commenced.

Motion to table to the next meeting

MOTION FAILS

Motion by Robert Wasko, second by Bryan E Chandler.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler

No: Tommy Taneff, Jon Rettig

Board meeting notation: Mr. Wasko requested of Ms. Niekamp to add the issue to the next board meeting agenda for discussion. Mr. Rettig apologized if anyone felt that he stepped on their feet and opined that he was appointed to the board to represent the public and not funeral service. Mr. Boyer responded that he did not feel his toes were stepped on. He stated that the board was trying to provide an opportunity to help licensees get a couple hours of continuing education while getting their opinion. He added that many licensees agree with the board. Mr. Rettig replied that they probably do. Mr. Boyer stated that he was open to what the board wished to do and was not upset. Mr. Boyer reiterated that he did not feel that his toes were stepped on. He suggested that this (survey) was research and questioned Mr. Rettig if he thought the board should have meetings before the meeting to discuss what should be discussed on the agenda.

4. Compliance

Action: 4.01 Licensee was LATE in filing the annual preneed report - First Offense

Motion to charge each licensee with a violation of ORC 4717.14 (A)(4) The applicant or licensee has committed immoral or unprofessional conduct. OAC 4717-8-01 (I) Failure to submit the preneed funeral contract annual report by the thirtieth day of March of each year. Specifically, the licensee was late in filing the annual preneed report with the board; which is required to be filed no later than the thirtieth (30th) day of March.

And order to pay forfeiture in the amount of \$500.00 [licensee may request hearing instead].

One additional licensee was late in submitting their annual preneed report:

FH.000138

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer asked the board if all had chance to review the agenda item. Mr. Jon Rettig, board member, questioned Ms. Vanessa Niekamp, executive director, if the licensee listed was to be added to the list (of first offenders) from last month. Ms. Niekamp replied affirmatively. Ms. Niekamp thanked Mr. Rettig for his correct pronunciation of her last name. Mr. Boyer asked the board for a motion. Mr. Rettig made a motion. Mr. Thomas Taneff, board member, seconded the motion. Mr. Boyer asked the board for discussion. The vote commenced.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Action: 4.02 Dismiss [1600119](#) and [1600120](#)

On April 26, 2016, the board charged Miller Deutsch Bookatz Memorial Chapel (FH.002354), case [1600119](#), and Miller Huck Funeral Home (FH.001818), case [1600120](#), each with a violation of 4717.14(A)(4). Specifically, the licensee failed to file an annual preneed report, which is required to be filed no later than the thirtieth (30th) day of March.

Since the meeting, the board staff have determined these reports were timely submitted in an envelope with another report for a different facility.

We respectfully request the board dismiss these cases.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Jon Rettig, board member, made a motion. Mr. Thomas Taneff, board member, seconded the motion. Mr. Boyer asked the board for discussion. Mr. Rettig asked if a letter of apology would be sent to the licensee acknowledging the board's mistake. Ms. Vanessa Niekamp, executive director, replied affirmatively. Mr. Boyer asked the board for further discussion. There was a brief pause of the meeting to troubleshoot Mr. Wasko's iPad internet connection. Mr. Boyer asked the board again for further discussion. The vote commenced.

Motion to dismiss cases [1600119](#) and [1600120](#).

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Action: 4.03 Dismiss [1600008](#)

The Board was presented with the following information:

On July 20, 2015, the board charged Ronald Bramley, case [1600008](#) with a violation of 4717.14(A)(1). Specifically the licensee misrepresented they had the prerequisite continuing education hours on the renewal application.

Although, Mr. Bramley did not answer the renewal questions regarding continuing education appropriately, we have determined he did obtain the required hours in the appropriate timeframe.

We respectfully request the board dismiss this case.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer briefly described the background details of the agenda item. Mr. Thomas Taneff, board member, made a motion to dismiss the case. Mr. Boyer seconded the motion. Mr. Boyer asked the board for discussion. The vote commenced.

Motion to dismiss case [1600008](#).

Motion by Tommy Taneff, second by Gregory Boyer.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Action, Information: 4.04 Closed Cases

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

Report of Closed Cases:

Case Number	Inspector	Allegations	Board Status
1600075	Seehase, Troy	Complainant alleges that prepaid funds to funeral home for preneed funeral contract were not on record with insurance company as expected. Complainant discovered the funeral home closed and contacted the insurance company to transfer prearrangements to an	Funeral home is closed and licensee is deceased.
1600079	Anderson, Eric	Activities of licensed insurance agent requires funeral directors license.	Licensed insurance agent provides price lists and materials to assist the purchaser in determining the cost of funeral goods and services. Insurance agent also discusses the cost of good and services

			to assist in selection of appropriate amount of insurance
1600080	Anderson, Eric	Activities of licensed insurance agent requires funeral directors license.	Licensed insurance agent not employed by or associated to the funeral home. No evidence of any violation by the funeral home.
1600081	Anderson, Eric	Activities of licensed insurance agent requires funeral directors license.	Licensed insurance agent reviews price lists with clients and uses an estimated worksheet to determine the cost of a desired funeral in order to sell a preneed insurance policy. No evidence the agent offers advice or makes recommendations about funeral service.
1600082	Seehase, Troy	Complainant alleges cremation of deceased was arranged and paid by unauthorized persons.	Complainant is mother of the deceased who passed away in April of 2014. No violations identified, as the daughter of the deceased made the arrangements and paid for the services.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer asked Ms. Vanessa Niekamp, executive director, if this was a no motion item. Ms. Niekamp confirmed that it was a no motion item. Mr. Robert Wasko, board vice president, asked Ms. Niekamp to clarify if the board was supposed to close these cases. Ms. Niekamp replied that board policy states the board staff may close cases that do not have evidence to support or need ratified. Mr. Wasko agreed with Ms. Niekamp and understood that these were different from what he thought.

Action, Information: 4.05 Pending Investigations

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

Pending Cases:

Case Number	Inspector	Date Received	Allegations
150005701	Anderson, Eric	2/17/2015	Misappropriation of preneed (FH Suspended-All records with law enforcement)
150005702	Anderson, Eric	4/1/2015	Misappropriation of preneed (FH Suspended-All records with law enforcement)
150005703	Anderson, Eric	3/30/2015	Misappropriation of preneed (FH Suspended-All records with law enforcement)
1600029	Anderson, Eric	6/1/2015	Misappropriation of preneed (FH Suspended-All records with law enforcement)
1600041	Anderson, Eric	9/17/2015	Misappropriation of preneed (FH Suspended-All records with law enforcement)
1600042	Anderson, Eric	9/17/2015	Misappropriation of preneed (FH Suspended-All records with law enforcement)
1600046	Seehase, Troy	9/30/2015	Funeral home is advertising facility with unapproved name.
1600056	Seehase, Troy	11/23/2015	Misappropriation of preneed funds.
1600067	Anderson, Eric	2/11/2016	Misappropriation of preneed (FH Suspended-All records with law enforcement)
1600069	Anderson, Eric	3/1/2016	Misappropriation of preneed (FH Suspended-All records with law enforcement)
1600073	Seehase, Troy	3/17/2016	Consumers met with an unlicensed person to purchase cremation packages. Licensee signed them without meeting the consumers.
1600074	Anderson, Eric	3/31/2016	Complainant alleges rude behavior from funeral director. Complainant alleges FD provided false information and employed aggressive sales tactics to gain business.
1600076	Seehase, Troy	4/18/2016	Complainant alleges misappropriation of prepaid preneed funeral funds.
1600077	Anderson, Eric	4/14/2016	Activities of licensed insurance agent require funeral directors license.
1600078	Seehase, Troy	4/14/2016	Activities of licensed insurance agent requires funeral directors license.

1600149	Anderson, Eric	4/28/2016	Complainant alleges funeral home failed to notify purchaser that the guaranteed pre-need funeral trust agreement was a non-interest bearing account and is billing family for difference of merchandise costs.
1600150	Seehase, Troy	4/29/2016	Complainant alleges funeral home did not properly deposit prepaid funds for funeral prearrangements.
1600151	Seehase, Troy	5/2/2016	Complainant alleges funeral home transferred the beneficiary designation of an insurance policy from the deceased to the funeral home without proper signature.
1600152	Seehase, Troy	5/9/2016	Complainant alleges funeral home misappropriated prepaid preneed funeral funds.
1600153	Seehase, Troy	5/9/2016	Complainant alleges funeral home misappropriated prepaid pre-need funeral funds.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Jon Rettig, board member, acknowledged Ms. Katherine Bockbrader, board counsel, for her work in decreasing the number of cases from the pending list and commended her for a job well done. Mr. Robert Wasko, board vice president, also added praise for her work.

Action, Information: 4.06 Attorney General Case Status Update

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer asked the board if there were any questions. Mr. Jon Rettig, board member, asked if there was a conclusion to the McClurkin case. Ms. Katherine Bockbrader, board counsel, replied that the board's case was still pending.

5. Board Operations

Information: 5.01 Inspections The board was provided the agenda item details and reviewed the following information:

FUN - Facilities Inspected with Dates							
Report Parameters							
Board = FUN							
From 04/01/2016 to 04/30/2016							
Report generated on 5/11/2016 at 5:51:07 PM							
Type	#	Name	City	Zip Code	County	Inspection Date	Inspector
FH	2304	BAKER-STEVENS-PARRAMORE FH	MIDDLETOWN	450421039	Butler	4/11/2016	Seehase
FH	554	BLACKBURN FUNERAL HOME	HOPEDALE	43976	Harrison	4/20/2016	ANDERSON
FH	558	BLACKBURN FUNERAL HOME	JEWETT	43986	Harrison	4/19/2016	ANDERSON
FH	2951	BORKOSKI FH	CADIZ	43907	Harrison	4/19/2016	ANDERSON

FH	3332	BREITENBACH-ANDERSON FUNERAL HOME	Middletown	45044	Butler	4/11/2016	Seehase
CREM	166	CASSADAY-TURKLE-CHRISTIAN FH & CREM	ALLIANCE	44601	Stark	4/21/2016	ANDERSON
FH	992	CASSADAY-TURKLE-CHRISTIAN INC	ALLIANCE	44601	Stark	4/21/2016	ANDERSON
FH	733	CLEMENTE FUNERAL HOME INC	STRUTHERS	44471	Mahoning	4/28/2016	ANDERSON
FH	542	COLDREN CRATES FUNERAL HOME	FINDLAY	45840	Hancock	4/14/2016	Seehase
FH	1055	COX - MCNULTY FUNERAL HOMES	BARBERTON	44203	Summit	4/20/2016	ANDERSON
FH	3134	CRATES FUNERAL CHOICES LLC	ARCADIA	44804	Hancock	4/14/2016	Seehase
FH	3343	DARING & SANFORD FH	DEGRAFF	43318	Logan	4/25/2016	Seehase
FH	1934	DAVID MELBOURNE CHAPMAN-MURPHY FH	LYNDHURST	441240638	Cuyahoga	4/15/2016	ANDERSON
FH	2084	DAVID MELBOURNE CHAPMAN-MURPHY FH	SOUTH EUCLID	44121	Cuyahoga	4/14/2016	ANDERSON
FH	3255	DAVIS-BECKER FH	BOARDMAN	44512	Mahoning	4/27/2016	ANDERSON
FH	2890	DEJOHN-FLYNN-MYLOTT FH	SOUTH EUCLID	44121	Cuyahoga	4/14/2016	ANDERSON
FH	2891	DICICCO & SONS FHS	MAYFIELD HTS	44124	Cuyahoga	4/15/2016	ANDERSON
FH	1037	DUNN-QUIGLEY FHS	AKRON	44311	Summit	4/20/2016	ANDERSON
FH	2319	EDWARD J FOX & SONS	YOUNGSTOWN	44512	Mahoning	4/27/2016	ANDERSON
FH	3262	EICHHOLTZ DARING & SANFORD FH	WEST LIBERTY	43357	Logan	4/25/2016	Seehase
FH	3263	EICHHOLTZ DARING & SANFORD FH	BELLE CENTER	43310	Logan	4/25/2016	Seehase
FH	3264	EICHHOLTZ DARING & SANFORD FH	JACKSON CENTER	45334	Shelby	4/1/2016	Seehase
FH	3261	EICHHOLTZ-DARING & SANFORD FH	BELLEFONTAINE	43311	Logan	4/25/2016	Seehase
CREM	194	ELITE CREMATION SERVICES	BELLEFONTAINE	43311	Logan	4/25/2016	Seehase
FH	3072	EVERHART-BOVE FH	WINTERSVILLE	43953	Jefferson	4/11/2016	ANDERSON
FH	604	EVERHART-BOVE FUNERAL SERVICE, INC	RICHMOND	43944	Jefferson	4/11/2016	ANDERSON
CREM	174	FAMILY CARE CREMATION SERVICES	COLUMBIANA	44408	Columbiana	4/13/2016	ANDERSON
FH	2616	FIORITTO FH	LYNDHURST	44124	Cuyahoga	4/14/2016	ANDERSON
FH	2615	FIORITTO-RINEAR FS	LYNDHURST	44124	Cuyahoga	4/14/2016	ANDERSON
FH	2129	FISHER-EDGINGTON FUNERAL HOME	WILMINGTON	45177	Clinton	4/19/2016	Seehase
FH	1533	FREE FUNERAL HOME	COSHOCTON	43812	Coshocton	4/29/2016	ANDERSON
FH	3109	GIVEN-DAWSON FH	COSHOCTON	43812	Coshocton	4/29/2016	ANDERSON
CREM	79	GREENFIELD CR	CLEVELAND	44114	Cuyahoga	4/15/2016	Seehase
FH	3338	GWEN MOONEY FH	CINCINNATI	45246	Hamilton	4/5/2016	Seehase
FH	1822	HALL-JORDAN & PRETTY MEMORIAL CHAPEL	MIDDLETOWN	45044	Butler	4/11/2016	Seehase
FH	3001	HENDERSON-VAN ATTA-STICKLE FH	HEATH	43056	Licking	4/4/2016	Seehase
FH	2132	HERR-RIGGS FUNERAL HOME INC	MIDDLETOWN	45044	Butler	4/11/2016	Seehase
FH	2274	HIGGINS-REARDON FUNERAL HOMES	POLAND	44514	Mahoning	4/28/2016	ANDERSON
FH	3132	HUFFORD FH	FINDLAY	45840	Hancock	4/14/2016	Seehase
FH	1674	JAMES E WASHINGTON FUNERAL SERVICES INC	YOUNGSTOWN	445111574	Mahoning	4/27/2016	ANDERSON
FH	2804	JAMISON, JAMISON & BROWN FH	CINCINNATI	45206	Hamilton	4/12/2016	Seehase
FH	3038	JENNINGS FARLEY FH & CREMATORY	WEST LIBERTY	43357	Logan	4/27/2016	Seehase
FH	1663	JOHN HODAPP SONS INC	WEST CHESTER	45069	Butler	4/11/2016	Seehase
FH	3176	JOHN HODAPP SONS INC	LIBERTY TOWNSHIP	45044	Butler	4/15/2016	Seehase
FH	2166	JOS C SCHULTE & MAHON-MURPHY FH	LYNDHURST	44124	Cuyahoga	4/15/2016	ANDERSON
FH	2167	JOS C SCHULTE & MAHON-MURPHY FUNERAL HO	SOUTH EUCLID	44121	Cuyahoga	4/14/2016	ANDERSON
FH	3112	KAUBER-FRALEY FH	PATASKALA	43062	Licking	4/4/2016	Seehase
FH	1626	KIRILA FUNERAL HOME INC	STRUTHERS	44471	Mahoning	4/28/2016	ANDERSON
FH	3431	KIRKPATRICK - BEHNKE FUNERAL HOME	Findlay	45840	Hancock	4/14/2016	Seehase
CREM	46	KNOLLCREST CEMETERY ASSOCIATION INC	FINDLAY	45840	Hancock	4/14/2016	Seehase
FH	1944	KOCH FUNERAL HOME	SCIO	43988	Harrison	4/19/2016	ANDERSON
FH	1237	KOCH FUNERAL HOME	FREEMPORT	43973	Harrison	4/19/2016	ANDERSON
FH	3421	L. EUGENE SMITH & SON FUNERAL HOME	New Vienna	45159	Clinton	4/19/2016	Seehase
CREM	163	LIBERTY CREMATION SERVICE	WEST LIBERTY	43357	Logan	4/27/2016	Seehase
CREM	121	LICKING CO CREM SVC	HEATH	43056	Licking	4/4/2016	Seehase
FH	3305	LITTLETON FUNERAL HOME	SABINA	45169	Clinton	4/19/2016	Seehase
FH	3328	LOPRESTI FUNERAL HOME	South Euclid	44121	Cuyahoga	4/14/2016	ANDERSON
FH	2903	MAHER-MELBOURNE FH	SOUTH EUCLID	44121	Cuyahoga	4/14/2016	ANDERSON
FH	3337	MATTHEW W CONLEY FH	YOUNGSTOWN	44507	Mahoning	4/28/2016	ANDERSON
FH	2933	MCPEEK-HOEKSTRA FH	GRANVILLE	43023	Licking	4/4/2016	Seehase
FH	3165	MILLER FH	COSHOCTON	43812	Coshocton	4/29/2016	ANDERSON
FH	3433	MOORE FAMILY FUNERAL HOMES	Batavia	45103	Clermont	4/5/2016	Seehase
FH	2454	NEWCOMER FH	TOLEDO	43623	Lucas	4/22/2016	Seehase
FH	1920	NICOL-WELLS-KLOSS-MURPHY FH	LYNDHURST	441240638	Cuyahoga	4/15/2016	ANDERSON
FH	2085	NICOL-WELLS-KLOSS-MURPHY FH	SOUTH EUCLID	44121	Cuyahoga	4/14/2016	ANDERSON
CREM	160	OAKWOOD CREMATORY INC	BRADFORD	45308	Darke	4/21/2016	Seehase
FH	1835	PRENTICE FUNERAL HOME INC	AKRON	44314	Summit	4/20/2016	ANDERSON
FH	2802	RENFRO FUNERAL SERVICES INC	CINCINNATI	45229	Hamilton	4/12/2016	Seehase
FH	3424	REYNOLDS-SMITH FUNERAL HOME	Wilmington	45177	Clinton	4/19/2016	Seehase

FH	2954	ROSSI & SANTUCCI FH	BOARDMAN	44512	Mahoning	4/27/2016	ANDERSON
FH	2820	SCHLUP-PUCAK FUNERAL HOME	AKRON	44314	Summit	4/20/2016	ANDERSON
FH	2162	SEEDERLY-MONG & BECK FH	COLUMBIANA	44408	Columbiana	4/13/2016	ANDERSON
FH	1391	SHARER-STIRLING-SKIVOLCKE FH	ALLIANCE	44601	Stark	4/21/2016	ANDERSON
FH	2945	SHOFFSTALL FH	LAKEVIEW	43331	Logan	4/25/2016	Seehase
FH	3336	SHOFFSTALL FUNERAL HOME INC	LAKEVIEW	43331	Logan	4/25/2016	Seehase
FH	1902	SHORTEN & RYAN FUNERAL HOME INC	WEST CHESTER	45069	Butler	4/15/2016	Seehase
FH	2623	SKILLMAN, MCDONALD & VERNON FH	MECHANICSBURG	43044	Champaign	4/27/2016	Seehase
FH	3446	SPOTO FUNERAL SERVICE	Lyndhurst	44124	Cuyahoga	4/15/2016	ANDERSON
FH	3297	STOCKER-FRALEY FUNERAL HOME, INC	BRADFORD	45318	Darke	4/21/2016	Seehase
FH	2377	THOMPSON, HALL & JORDAN FUNERAL HOME	CINCINNATI	45206	Hamilton	4/12/2016	Seehase
FH	2360	THOMPSON-FILICKY FH	YOUNGSTOWN	44512	Mahoning	4/27/2016	ANDERSON
FH	531	TUFTS SCHILDMAYER FH	LOVELAND	45140	Hamilton	4/5/2016	Seehase
FH	135	TUFTS SCHILDMAYER FUNERAL HOME	BLANCHESTER	45107	Clinton	4/19/2016	Seehase
FH	2639	VENNIL & CHUTE FH INC	NEWARK	43055	Licking	4/4/2016	Seehase
FH	2726	VERNON FUNERAL HOME	URBANA	43078	Champaign	4/27/2016	Seehase
FH	3292	VICCHIARELLI FUNERAL HOME	LYNDHURST	44143	Cuyahoga	4/15/2016	ANDERSON
FH	1851	VINSON HOUSE OF MORTUARY INC	STEUBENVILLE	43952	Jefferson	4/11/2016	ANDERSON
FH	3226	VINTANTONIO-PREVITE FH	LYNDHURST	44124	Cuyahoga	4/14/2016	Seehase
FH	3462	W. E. LUSAIN FUNERAL HOME	Dayton	45404	Montgomery	4/21/2016	Seehase
FH	3372	WALKER FUNERAL HOME	CINCINNATI	45214	Hamilton	4/12/2016	Seehase
FH	2944	WALTER & STOWE FUNERAL HOME	URBANA	43078	Champaign	4/27/2016	Seehase
FH	2985	WARRICK-KUMMER-RETTIG FH	COLUMBIANA	44408	Columbiana	4/13/2016	ANDERSON
FH	3126	WEBB-NOONAN-KIDD FH	HAMILTON	45013	Butler	4/15/2016	Seehase
FH	1794	WEIGEL FUNERAL HOME	HAMILTON	45013	Butler	4/15/2016	Seehase
CREM	67	WOODSIDE CEMETERY & ARBORETUM	MIDDLETOWN	45044	Butler	4/11/2016	Seehase
FH	3130	WRIGHT-HABEGGER FH	LIBERTY CENTER	43532	Henry	4/22/2016	Seehase
FH	3129	WRIGHT-HABEGGER FH	GRAND RAPIDS	43522	Wood	4/22/2016	Seehase

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/A9UUMM77D2F5/\\$file/Inspection%20Summary%20SFY16.pdf](http://www.boarddocs.com/oh/boefd/Board.nsf/files/A9UUMM77D2F5/$file/Inspection%20Summary%20SFY16.pdf)

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer asked the board if there were any questions concerning inspections.

Action, Information: 5.02 Budget Overview

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

SFY16	Budget	Expense	Encumbrance	Available Budget
510	\$36,680.63	\$4,204.25	\$2,527.25	\$29,949.13
520	\$194,635.65	\$126,814.08	\$44,197.77	\$23,623.80
530	\$5,000.00	\$1,250.02	\$0.00	\$3,749.98
595	\$1,000.00	\$0.00	\$0.00	\$1,000.00
500 - QTR1	\$139,455.79	\$139,455.79	\$0.00	\$0.00
500 - QTR2	\$110,908.56	\$110,908.56	\$0.00	\$0.00
500 - QTR3	\$133,171.37	\$133,171.37	\$0.00	\$0.00
500 - QTR4	\$129,160.00	\$56,108.64	\$0.00	\$73,051.36
Budget	\$750,012.00	\$571,912.71	\$46,725.02	\$131,374.27

Voucher ID	Vendor Name	Accounting Date	Account	Voucher Distrib Amount
00002551	CINCINNATI BELL ANY DISTANCE INC	4/6/2016	524067	\$74.08
00002555	US BANK NATIONAL ASSOCIATION	4/1/2016	521050	\$46.85
00002556	CAPITOL SQUARE REVIEW &	4/5/2016	527751	\$570.00
00002557	DEPARTMENT OF ADMINISTRATIVE SERVICES	4/11/2016	527751	\$805.61
00002558	BUCKEYE STATE FUNERAL DIRECTORS &	4/11/2016	527059	\$250.00
00002559	GREENE INC	4/11/2016	526052	\$30.00
00002560	US BANK NATIONAL ASSOCIATION	4/11/2016	521070	\$139.90
00002561	DEPARTMENT OF ADMINISTRATIVE SERVICES	4/12/2016	527751	\$4.32
00002562	US BANK NATIONAL ASSOCIATION	4/13/2016	522052	\$199.99
00002563	CINCINNATI BELL ANY DISTANCE INC	4/19/2016	524067	\$74.17
00002564	DEPARTMENT OF ADMINISTRATIVE SERVICES	4/22/2016	527751	\$1,135.88
00002565	VERIZON WIRELESS	4/20/2016	524067	\$333.49
00002567	DEPARTMENT OF ADMINISTRATIVE SERVICES	4/28/2016	527751	\$8,180.99

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer asked the board if there were any questions about vendors or payments that were made. Mr. Thomas Taneff, board member, requested that the E-2 Assessment Plan that was reviewed and considered at last month's meeting be placed on next month's agenda. Mr. Taneff added that he would like to learn how and why this happened. Mr. Boyer questioned Mr. Taneff about his seconding the motion for the raise. Mr. Taneff stated that he relied on the hardcopy provided at the beginning of the meeting and did not have a chance to study all the details within the agenda item material during the meeting. Mr. Taneff repeated his request for the item to return to the agenda because he has a lot of questions. Mr. Boyer reminded Mr. Taneff that the item was motioned, seconded, and open for discussion. Mr. Taneff stated that he does not need a motion to add an item to the agenda. Mr. Boyer continued by saying that the item has already been passed and approved. Mr. Taneff restated that he does not need a motion to have the item placed back on the agenda. Mr. Jon Rettig, board member, concurred with Mr. Taneff by saying Mr. Wasko recently requested his issue to return back to the agenda; and this was the same.

Information: 5.03 Niekamp chosen as National Federal Trade Commission Liaison

Executive Director Vanessa Niekamp has been chosen to be the National Federal Trade Commission (FTC) Liaison in working with Craig Tregillus from the FTC Bureau of Consumer Protection regarding regulatory matters of concern for the funeral industry.

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Jon Rettig, board member, asked Ms. Vanessa Niekamp, executive director, to explain her appointment. Ms. Niekamp replied that the Federal Trade Commission asked for a state representative of a regulatory board to sit on a council to look at matters pertaining to the funeral industry. Mr. Boyer congratulated Ms. Niekamp. Mr. Robert Wasko, board vice president, pointed out that this is another designation for her and it shows that she is respected among the industry.

Action: 5.04 Apprenticeship Task List Committee Report

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

During the apprenticeship, the applicant must complete the tasks listed. If the board finds

that the apprentice did not adequately complete one or more tasks on the list, or did not receive the necessary training during the apprenticeship, the board may set out remedial steps for the apprentice to undertake in order to complete his or her apprenticeship.

Current Task List: [https://www.boarddocs.com/oh/boefd/Board.nsf/files/9WGT4Y5C0431/\\$file/TASKLISTS.pdf](https://www.boarddocs.com/oh/boefd/Board.nsf/files/9WGT4Y5C0431/$file/TASKLISTS.pdf)

Board meeting notation: Mr. Gregory Boyer, board president, introduced the agenda item. Mr. Boyer offered brief explanation of the task list requirements. He recalled completing the task list requirements during his own apprenticeship and noted that some tasks were redundant. He went on to say that the committee was created to review the list and it discussed in its meeting about removing some of those tasks such as the casket manufacturing plant tour and the national convention. He added that the committee considered possibly changing the requirement of attending a seminar to attending a board meeting. Mr. Jon Rettig, board member, acknowledged and commended Mr. Boyer and Mr. Bryan Chandler, board secretary, for their work on the committee. He continued by adding a correction to Mr. Boyer's statement: it was the national or state convention. Mr. Rettig explained that the decision may not please OFDA, but by removing the convention requirement it was his hope to reduce expense for apprentices and allow them to seek alternative experiences. Mr. Chandler, Ms. Vanessa Niekamp, executive director, and Mr. Robert Wasko, board vice president, each added a brief comments as to why the task list requirements were reviewed by the committee. Mr. Rettig commended Mr. Chandler on his recommendation to the committee to have apprentices attend a board meeting. He believed that the apprentice needs to be familiar with the regulatory board that oversees them. Mr. Wasko agreed with Mr. Rettig and remarked that recording the meetings by video have been an educational for them. He went on to say that he often receives feedback about the videos during apprenticeship interviews and would also like them to attend. Mr. Boyer stated that the idea of changing the requirement (from convention to board meeting) started with feedback from apprentices. He asked if the board should listen to its licensees. Mr. Rettig stated that the Board was modernizing its practices and restated that this change should assist in reducing expense to the apprentice who must travel far to complete their task list.

Mr. Wasko commented that funeral homes can also incur expense when employing an apprentice. The funeral home must have a master trainer oversee that apprentice and must have the training to do so. Often the masters training is only offered at certain times and places that may add the expense of travel and a class fee. He spoke of discussion to change the masters training requirements by having the board provide the master's training for free around the time of board meetings. Mr. Wasko asked Mr. Rettig for his opinion about the idea. Mr. Rettig agreed that it would serve the public well. Mr. Chandler commented on the hardship some face when seeking a masters training class. Mr. Wasko questioned Ms. Niekamp if she believed that the board office was capable of providing the class. Ms. Niekamp replied affirmatively. Mr. Wasko made a motion. Mr. Boyer seconded the motion. Mr. Rettig asked if the board would be responsible to provide the masters training. Mr. Boyer replied that it would be shared with The Board of Health and OSHA (Occupational Safety & Health Administration). Mr. Rettig asked about the rules or laws regarding the training. Ms. Niekamp responded that the rule only states that one must attend a masters training class and a training certificate is valid for five years, but does not describe the content or indicate who must provide the training. Mr. Wasko and Mr. Rettig agreed that this would give the board the opportunity to reduce conflicting information being presented today and control the training.

Ms. Niekamp asked Mr. Wasko to clarify what the motion should say as she read it back aloud. Mr. Wasko confirmed that it was correct. Mr. Thomas Taneff, board member, asked Mr. Boyer if this was to start studying this issue and if this will be available for the general public to participate in, or was this an approval. Mr. Wasko and Mr. Boyer replied that it was to develop a program for a training class. Mr. Taneff asked if the public will have time to weigh in on it. Mr. Wasko explained to Mr. Taneff the reason why a master training is necessary. Mr. Taneff asked Mr. Rettig for an opinion on the issue. Mr. Rettig responded there is likely cost involved, but he does not object to the board providing the class because the board would be teaching the master exactly what they should be teaching the apprentice. Mr. Chandler opined that he was in favor of the board providing the training. He added that masters training began with feedback from apprentices and led to assisting them with more educated and qualified

teachers. Mr. Rettig commented that apprentice training has improved as a result of the board regulating masters training. Mr. Wasko remarked that in the past, apprentices were used as cheap labor. Mr. Rettig restated that the board served the public interest well by increasing the regulation there and requiring masters training. Mr. Rettig reminded all that there would be a cost involved and hoped that all were mindful of what's being asked for. Mr. Rettig asked the board if the board was studying this first. Ms. Niekamp responded that she currently attends and presents at the masters training seminar, thereby not incurring an increase in significant time. She went on to describe other benefits of board provided training: content of the program would be consistent, no cost for location, and a change in presentation materials would reduce printing costs. Mr. Rettig questioned if board counsel would be involved. Ms. Niekamp replied that the decision is left to board counsel, but stated that the Office of the Attorney General provides counsel for the board. It is not likely that Ms. Katherine Bockbrader, board counsel, would be permitted to interpret law before the audience.

Ms. Niekamp suggested that the inclusion of board inspectors as presenters in the training class would be another benefit. Mr. Rettig asked Mr. Taneff if he had any questions. Mr. Taneff replied that he did not. Mr. Boyer asked the board if there were any further discussion. Mr. Rettig asked what the board was to do. Ms. Niekamp responded by reading the motion aloud. Mr. Rettig asked Ms. Niekamp how many trainings would be provided. Ms. Niekamp replied that she understood Mr. Wasko to want monthly training that would occur the morning before the board meeting, break for lunch, and then attend the meeting. Mr. Boyer asked the board if there were any more discussion. Ms. Bockbrader asked for the number of master apprentices. Ms. Niekamp replied that it fluctuates, but probably about four hundred at any given time. Mr. Wasko and Mr. Rettig added that the certificate lasts for five years and must be renewed every five years. Ms. Bockbrader asked if it were to be renewed through attending the training. Ms. Niekamp replied affirmatively and that there is a constant flow of those needing training. Mr. Rettig asked how many apprentices were in any given time frame. Ms. Niekamp replied about four hundred. Mr. Wasko added that it fluctuates with graduations. Ms. Niekamp stated that there were different lengths of apprenticeship and as apprentices terminate, others were beginning. Mr. Boyer asked the board for any more discussion. Mr. Rettig asked if the board voted on the task list. Ms. Niekamp replied that the board needed to vote on the developing of the program. Mr. Chandler responded that there was not a vote on the task list. The vote commenced.

Motion to develop a Masters Training program to be provided free of charge by the Board staff. The Executive Director will provide updates to the board.

Motion by Robert Wasko, second by Gregory Boyer.

Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Board meeting notation: Mr. Boyer introduced the agenda item. Mr. Boyer addressed what items were discussed to be changed and referred to the projection screen for all to view the proposed revisions. There was discussion among the board about clarification of the wording in some of the bullet points. Ms. Niekamp asked the board if the wording seen on screen was acceptable to repeat for each page of the task list. Mr. Chandler introduced discussion about a start date for the revisions. There was discussion among the board to identify fair parameters for a start date. Ms. Bockbrader suggested the board select an effective date for the changes and decide if there would be a grandfathered time for apprentices already in the process. Otherwise it could possibly pose problems later. Mr. Wasko asked if the board could use effective immediately. Ms. Bockbrader stated that if she understood correctly, there would be apprentices already checking off items from the list and should the start date be the next day, they are left wondering what to do. Mr. Wasko asked Ms. Bockbrader if she meant that if they started today. Ms. Bockbrader asked how long the apprenticeship term was. Mr. Wasko replied one or two years. There was discussion among board about when an apprentice would likely start the task list. Mr. Rettig asked board counsel if the board sets an effective date, then that is the date one must follow. Ms. Bockbrader commented that boards will typically schedule a date and instruct those who enter a program after a certain date to follow the changes. Mr. Boyer remarked that would only

apply to new apprentices, not existing.

Ms. Niekamp suggested a compromise and proposed giving existing apprentices terminating within six months of the effective date opportunity to choose the old or new requirement. There was discussion among the board about Ms. Niekamp's suggestion. Mr. Wasko shared concern that the board would not have discretion to instruct an apprentice to complete, or repeat, a task, especially if that apprentice lacks knowledge in a particular area. There was discussion among the board about how the apprentice's decision to choose the old requirement over the new would work. Mr. Rettig suggested the board provide those apprentices who travel to Columbus from afar for their apprentice interview the opportunity to conduct the interview the same day as the board meeting. He went on to say that he is willing to accommodate so the apprentice need only make one visit to accomplish their requirements. Ms. Niekamp stated that she has heard a lot of discussion, but did not record a motion or second. Mr. Rettig made a motion to accept the revisions of the task committee with the wording that Ms. Niekamp stated. Mr. Taneff seconded the motion. Mr. Boyer asked the board for any more discussion. The vote commenced.

Motion to revise the Apprenticeship and Master Task Lists as proposed. Apprentices terminating within six months of this date may complete the list prior to revision or the revised list.

Motion by Jon Rettig, second by Tommy Taneff.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Board meeting notation: Mr. Taneff suggested to Mr. Rettig that he should probably request a copy of the draft of the minutes of this board meeting as soon as they become available. Mr. Taneff opined that it was very important to review and analyze those minutes carefully so that Mr. Rettig was not misconstrued or misstated in the memorialization of Mr. Rettig's commentary today. Mr. Taneff believes that Mr. Rettig would not want words put in to his mouth. Mr. Taneff also requested recognition of Dr. Jack Marchbanks' short service on the board. Mr. Taneff stated that Mr. Marchbanks was a thoughtful, intelligent and active participant and Mr. Taneff shared that he would miss him being on the board. Mr. Rettig asked about ramifications of voting on motions with the board only having five people now. Ms. Niekamp replied that an action requires four affirmative votes.

6. Adjournment

Action Item Requiring Vote: 6.01 Adjourn the Meeting

Board meeting notation: Mr. Bryan Chandler, board secretary, made a motion to adjourn. Mr. Robert Wasko, board vice president, seconded the motion.

Motion to adjourn the meeting.

Motion by Bryan E Chandler, second by Robert Wasko.

Final Resolution: Motion Carries

Yes: Gregory Boyer, Robert Wasko, Bryan E Chandler, Tommy Taneff, Jon Rettig

Board meeting notation: The May 16, 2016 Meeting of the Board adjourned at 2:46 p.m.