



Department of Commerce

Division of Real Estate
& Professional Licensing

Ted Strickland, Governor
Kimberly A. Zurz, Director

MINUTES OF THE MEETING OF THE OHIO CEMETERY DISPUTE RESOLUTION COMMISSION

Division of Real Estate & Professional Licensing
77 S. High Street, 31st Floor, Hearing Room East B
Columbus, Ohio 43215-6133

December 17, 2009
10:00 a.m.

PRESENT: Richard Finn, Chairperson; Thomas Kayati, Vice Chair; Joseph Kun; Marguerite Molk; David Shanteau; Harold J. Wagner; James Wright; Laura Meechan, Division Legal Counsel, and Theodore J. Hornyak, Investigator.

ABSENT: Marilyn Brandt and Robert Shenefield.

I. Preliminary Matters:

Roll Call: Chairperson Richard Finn called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except Marilyn Brandt and Robert Shenefield.

Approval of Minutes: The minutes of the September 24, 2009 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Harold Wagner moved to amend the minutes to reflect that Marguerite Molk was absent and to replace the names of Gregory Roberts and Thomas Bittner with David Shanteau and Joseph Kun in the Present heading. Marguerite Molk seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received 20 complaints during the quarter (40 for the year). 19 complaints are open. The Division handled 203 phone calls, 2 email queries, and mailed 11 complaint forms. 3,500 cemeteries are currently registered with the Division.

Commissioner David Shanteau reported that an organization known as the Ohio Cemetery Foundation was being formed to help cemeteries raise funds for special projects.

II. Old Business:

Case No. 2009-404 Vivian K. Moon vs. Middletown Cemetery – Butler Co. – Registration 982484

Neither party attended the meeting. Theodore Hornyak reported that he met with the parties to clarify issues and discuss a possible agreement. The attorneys for the parties requested more time to discuss the matter. Joseph Kun moved to leave the complaint open to the next meeting. Harold Wagner seconded the motion, which passed unanimously.

Case No. 2009-478 Anna and JC Hipsher vs. Butler County Memorial Park – Butler Co. – Registration 982946

David Shanteau recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the cemetery operator agreed to uncover the vault lid and the complainants signed an authorization. However, the complainants are not able to arrange a time to view the work until after the Commission meeting and requests to leave the complaint open to the next meeting. James Wright moved to leave the complaint open to the next meeting. Marguerite Molk seconded the motion, which passed unanimously. David Shanteau rejoined the meeting.

III. New Business

Registration Status of Augusta Cemetery, Carroll County

The Commission reviewed the registration status of Augusta Cemetery and found that the cemetery operator failed to register the cemetery with the Division of Real Estate and Professional Licensing in violation of Ohio Revised Code Section 4767.02(A). David Shanteau moved to refer the registration violation to the Carroll County Prosecutor. Thomas Kayati seconded the motion, which passed unanimously.

Case No. 2009-369 John Sutliff vs. Evergreen Cemetery – Trumbull Co. - Registration 982468

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission and reported that the complainant explained that he believes that his issue has been resolved within the ambiguity of the interpretation of the word “protection”. Marguerite Molk moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

Case No. 2009-479 Muriel A. Cole vs. Knollwood Cemetery – Cuyahoga Co. - Registration 980445

James Wright recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied to receive a refund in the amount of \$400. Thomas Kayati moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously. James Wright rejoined the meeting.

Case No. 2009-512 Marjorie Hopf and Lily Gentry vs. Spring Grove Cemetery & Arboretum – Hamilton Co. - Registration 981544

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator provided a disinurement at no cost. Harold Wagner moved to close the complaint. Marguerite Molk seconded the motion, which passed unanimously.

Case No. 2009-529 Anthony Hampton vs. Union Baptist Cemetery – Hamilton Co. - Registration 980130

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied with the cemetery operator's response. Marguerite Molk moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

Case No. 2009-540 Rosemary Velasquez vs. Calvary Cemetery – Lorain Co. - Registration 982027

Rosemary and Raphael Velasquez presented the complaint to the Commission. Andrej Lah spoke on behalf of the cemetery operator. Joseph Kun moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

Case No. 2009-553 Eugenia Boykin vs. West Memory Gardens – Montgomery Co. - Registration 981019

David Shanteau recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied to receive a return of her \$50 deposit. Thomas Kayati moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously. David Shanteau rejoined the meeting.

Case No. 2009-576 David Meddings vs. Broadway Cemetery – Union Co. - Registration 981192

Neither party attended the meeting. Theodore Hornyak reported that the parties resolved the complaint. Harold Wagner moved to close the complaint. Marguerite Molk seconded the motion, which passed unanimously.

Case No. 2009-653 Helen Gueth vs. Rose Hill Burial Park (Springfield) – Clark Co. - Registration 981252

James Wright recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainant was reimbursed for a crypt plate and received an appropriate plate. David Shanteau moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously. James Wright rejoined the meeting.

Case No. 2009-654 C. Matthew Stull vs. Union Cemetery Association – Franklin Co. - Registration 980965

Theodore Hornyak presented the complaint to the Commission and reported that the complainant was not happy with the difficulty in transferring his mother's interment rights. Joe Glandon spoke on behalf of the cemetery operator. Thomas Kayati moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously.

Case No. 2009-659 Douglas Srock vs. Belmont Park Cemetery – Trumbull Co. - Registration 980106

Neither party attended the meeting. Theodore Hornyak reported that the complainant requested that the Commission leave the complaint open to the next meeting. Marguerite Molk moved to leave the complaint open to the next meeting. Joseph Kun seconded the motion, which passed unanimously.

Case No. 2009-697 Gene M. DeAngelis vs. St. Mary's Cemetery – Portage Co. - Registration 982596

Joseph Kun recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainant's mother agreed to accept companion crypts being offered on level B for the same price as the level C crypt. Thomas Kayati moved to close the complaint. Marguerite Molk seconded the motion, which passed unanimously. Joseph Kun rejoined the meeting.

Case No. 2009-698 Cynthia Leroy vs. Greencastle Cemetery – Montgomery Co. - Registration 983206

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator corrected the spelling of her son's name and included a porcelain picture at no cost. Harold Wagner moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

IV. Other Business

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, March 18, 2010 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

V. Adjournment

Harold Wagner moved to adjourn the December 17, 2009 meeting of the Ohio Cemetery Dispute Resolution Commission. David Shanteau seconded the motion, which passed unanimously.