



## Department of Commerce

Division of Real Estate &  
Professional Licensing  
John R. Kasich, Governor  
David Goodman, 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

March 10, 2011  
10:00 a.m.

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**PRESENT:** Thomas Kayati, Chairperson, David Shanteau, Vice Chair; Joseph Kun, Secretary; Richard Finn; James Wright; Laura Monick, Division Legal Counsel and Theodore J. Hornyak, Investigator.

**ABSENT:** Robert Shenefield, Phyllis Byard, and Marilyn Brandt.

#### I. Preliminary Matters:

**Roll Call:** Chairperson Thomas Kayati called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except Robert Shenefield, Phyllis Byard, and Marilyn Brandt.

**Approval of Minutes:** The minutes of the December 16, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Richard Finn moved to approve the minutes. James Wright seconded the motion, which passed unanimously.

**Superintendent's Report:** Quarterly Report - The Division's Cemetery Section received one complaint during the quarter. 9 complaints are open. The Division handled 163 phone calls, 2 email queries, and mailed 4 complaint forms. 3,525 cemeteries are currently registered with the Division.

Ohio Department of Commerce Director David Goodman and Division Superintendent Anne M. Petit were introduced to the Commission.

Theodore Hornyak will give a presentation on cemetery regulations and the OCDRC at a meeting and conference of the Monument Builders of Ohio on March 14, 2011.

**Ohio Administrative Code Rule Review:** Laura Monick presented a proposed update of OAC 1301:13 to the Commission. Joseph Kun moved to approve proceeding with the rule review as proposed. James Wright seconded the motion, which passed unanimously.

**2010 Annual Report - ORC Section 4767.06(D):** Theodore Hornyak presented the 2010 Annual Report to the OCDRC. Joseph Kun moved to accept the Annual Report as submitted. James Wright seconded the motion, which passed unanimously.

**II. Old Business:**

**Case No. 2010-122 Alan Oppenheim vs. Zion Memorial Park Cemetery – Cuyahoga Co. - Registration 983285**

Neither party attended the meeting. Theodore Hornyak reported that there has been no progress in resolving the complaint between the parties. James Wright moved to close the complaint. David Shanteau seconded the motion, which passed unanimously.

**Case No. 2010-603 Terry Wills vs. Middletown Cemetery – Butler Co. - Registration 982484**

The complainant did not attend the meeting. Theodore Hornyak presented the complaint to the Commission. Middletown Law Director Les Landen spoke on behalf of the cemetery operator. Mr. Landen reported that the city will allow citizens to volunteer at the cemetery if a waiver is signed and that a cemetery board has been created which can raise funds. David Shanteau moved to close the complaint. Richard Finn seconded the motion, which passed unanimously.

**Case No. 2010-677 Dennis Fowler vs. Floral Hills Memory Gardens – Ross Co. – Registration 980717**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission and reported that the complainant filed a complaint with the Ohio Attorney General. Joseph Kun moved to close the complaint. Richard Finn seconded the motion, which passed unanimously.

**III. New Business**

**Case No. 2010-738 Olive Diane Derifield vs. St. Peter Cemetery - Scioto Co. – Registration 982585**

Richard Finn recused himself from the meeting. The Commission did not have a quorum in order to hear the complaint. The Commission allowed the complainant to present her complaint. The cemetery operator did not attend the meeting. The Commission directed the Division to issue a subpoena to the cemetery operator to compel attendance at the next meeting. Richard Finn rejoined the meeting.

**Case No. 2010-739 Mark Vukelic vs. Union Cemetery – Jefferson Co. -  
Registration 981089**

Mark Vukelic presented his complaint to the Commission. Joseph Benline spoke on behalf of the cemetery operator. David Shanteau moved to recommend that the cemetery operator, within sixty days, establish written rules and regulations allowing the installation of monuments, markers and foundations by outside monument dealers. David Shanteau moved to close the complaint. Richard Finn seconded the motion, which passed unanimously.

**Case No. 2010-763 Malcolm Van Deursen vs. Green Lawn Cemetery – Franklin Co  
- Registration 982676**

David Shanteau recused himself from the meeting. The Commission did not have a quorum in order to hear the complaint. The complaint will be heard at the next meeting. David Shanteau rejoined the meeting.

**Case No. 2010-775 Lovinah Coffman vs. Franklin Square Cemetery – Columbiana  
Co. – Registration 981871**

Lovinah Coffman presented her complaint to the Commission. Attorney Dawn Frick, William Heston and John Welms spoke on behalf of the cemetery operator. After both parties discussed the complaint, they reached an understanding that satisfied the complainant. Joseph Kun moved to close the complaint. David Shanteau seconded the motion, which passed unanimously.

**Case No. 2010-778 Bruce Briggs vs. Highland Park Cemetery – Cuyahoga Co. –  
Registration 981250**

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that his loved one's remains were able to be interred in the cemetery. Richard Finn moved to close the complaint. James Wright seconded the motion, which passed unanimously.

**IV. Other Business**

Laura Monick reminded the Commission members that financial disclosure statements are due.

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for June 16, 2011 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

**V. Adjournment**

Richard Finn moved to adjourn the December 16, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission. Joseph Kun seconded the motion, which passed unanimously.