



Department of Commerce

Division of Real Estate &
Professional Licensing

John R. Kasich, Governor
Andre T. Porter, Director

MINUTES OF THE MEETING OF THE OHIO CEMETERY DISPUTE RESOLUTION COMMISSION

Division of Real Estate & Professional Licensing
77 S. High Street, 22nd Floor, Hearing Room
Columbus, OH 43215-6133

September 19, 2013
10:00 a.m.

PRESENT: Robert Winter, Vice-chair; Phyllis Byard; Don Goncy; Rufus Slade; Tony Hughes; James Wright; Jack Lee-Harris; Laura Monick, Registration and Resolution Section Chief; Kelly Neer, External Auditor; and Walter J. McNamara IV, Assistant Attorney General.

I. Preliminary Matters

Roll Call: Vice-chairperson Robert Winter called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present.

Election of officers:

Election of Chairperson: Tony Hughes nominated Robert Winter. Phyllis Byard seconded the nomination. Robert Winter's nomination passed unanimously.

Election of Vice Chairperson: Tony Hughes nominated James Wright. The nomination was seconded by Rufus Slade. James Wright's nomination passed unanimously.

Election of Secretary: Tony Hughes nominated Phyllis Byard. James Wright seconded the nomination. Phyllis Byard's nomination passed unanimously.

Approval of Minutes: The minutes from the July 18, 2013 meeting of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. Don Goncy moved to approve the minutes. Phyllis Byard seconded the motion, which passed unanimously.

Appointments to the Crematory Review Board: Rufus Slade, Jack Lee-Harris and Phyllis Byard were appointed to the Crematory Review Board.

Superintendent's Report: Laura Monick presented the report on behalf of the Superintendent. Ms. Monick began the report by welcoming Commissioner James Wright and Commissioner Jack Lee-Harris. Also noted were the recent Governor appointments to the Ohio Cemetery Law Task Force. Discussion continued on the enforcement statistics. Ms. Monick reported on her attendance at the Ohio Cemetery Association Annual Conference along with Kelly Neer. Ms. Monick then noted the number of audits completed and pending. The discussion concluded with remarks concerning renewals and a reminder that Chief Legal Counsel for the Division will be providing the required ethics training at the December meeting.

II. Audits

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Jeffersonview Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings of the auditor and the recommendations. Tony Hughes then moved to leave the review open until the December meeting in order to review whether the three Endowment Care Trustees have obtained the proper bonding required by law. Phyllis Byard seconded the motion, which passed unanimously.

Lindsey Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings of the auditor and the recommendations. James Wright then moved to leave the review open until the December meeting in order to review the supervision status of the cemetery. Tony Hughes seconded the motion, which passed unanimously.

III. New Business

Case No. 2013-327 Cheryl A. Huber vs. East Akron Cemetery

Laura Monick presented the complaint to the Commission. The Commission discussed the maintenance of the cemetery and that the cemetery should be aware there are typically a higher number of visitors to cemeteries on Mother's Day, Memorial Day and Labor Day. In addition, the Commission recommended that if in the future Ms. Huber has additional maintenance issues with the cemetery that she could file another complaint. Tony Hughes then moved to close the complaint with no recommendation. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2013-393 Valerie Hammock vs. East Akron Cemetery

Laura Monick presented the complaint to the Commission. The Commission discussed the maintenance of the cemetery and that the cemetery should be aware there are typically a higher number of visitors to cemeteries on Mother's Day, Memorial Day and Labor Day. In addition, the Commission recommended that if in the future Ms. Hammock has additional maintenance issues with the cemetery that she could file another complaint. Phyllis Byard then moved to close the complaint with no recommendation. Jack Lee-Harris seconded the motion, which passed unanimously.

Case No. 2013-384 Frank Nagy, III vs. Evergreen Cemetery

Laura Monick presented the complaint to the Commission. The Commission discussed the actions Evergreen Cemetery has taken to resolve the groundhog issue and reviewed the letter and pictures sent by Mr. Nagy concerning the resolution of the complaint. Tony Hughes then moved to close the complaint with no recommendation. Rufus Slade seconded the motion, which passed unanimously.

Case No.2013-405 Mickey McConahay vs. East Wren Cemetery

Laura Monick presented the complaint to the Commission. The Commission discussed the actions East Wren Cemetery has taken to resolve the complaint. James Wright then moved to close the complaint with no recommendation. Don Goncy seconded the motion, which passed unanimously.

Case No. 2013-426 Carolyn Sue Capaniro vs. Obetz Cemetery

Laura Monick presented the complaint to the Commission. The Commission discussed the actions Obetz Cemetery has taken to resolve the complaint. Rufus Slade then moved to close the complaint with no recommendation. Phyllis Byard seconded the motion, which passed unanimously.

Case No. 2013-449 George & Angie Lakios vs. Knollwood Cemetery

Laura Monick presented the complaint to the Commission. The Commission discussed the actions Knollwood Cemetery has taken to resolve the complaint. Jack Lee-Harris then moved to close the complaint with no recommendation. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2013-431 James C Foster vs. Crown Hill Burial Park

Laura Monick presented the complaint to the Commission. The cemetery was represented by Carol Waren. The Commission discussed the fees charged by the cemetery and the cemetery's current contract language. James Wright then moved to leave the case open until the December meeting in order to have Crown Hill Burial Park provide the Commission a copy of their rules and regulations concerning price changes and a copy of the cemetery's current contract. Tony Hughes seconded the motion, which passed unanimously.

Case No. 2013-492 Michael Robinett vs. Crawford County Memory Garden

Laura Monick presented the complaint to the Commission. Michael Robinett was present and the cemetery sent a written response. The Commission discussed the fees charged by the cemetery for outside monument dealers installing monuments and whether or not there are written guidelines provided to outside monument dealers that are installing a monument at the cemetery. James Wright then moved to leave the case open until the December meeting in order to have Crawford County Memory Gardens provide the Commission a copy of their rules and regulations for memorial installation and a copy of the fees and services provided and charged to outside monument dealers. Jack Lee-Harris seconded the motion, which passed unanimously.

IV. Other Business

Review of Minimum Maintenance Guidelines

Laura Monick presented a current copy of the minimum maintenance guidelines. The Commission held discussion. Tony Hughes then moved to update Grounds and Structure to state "Trim around markers/monuments three times a year." Rufus Slade seconded the motion, which passed unanimously.

V. Adjournment

Tony Hughes moved to adjourn. James Wright seconded the motion, which passed unanimously.