



## 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

December 11, 2014  
10:00 a.m.

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**PRESENT:** James Wright, Chair; Don Goncy; Tony Hughes; Jack Lee-Harris; C. Thomas Pfeifer; Jay Russell; Rufus Slade; Robert Winter; Assistant Superintendent Kimberley Wells; Laura Monick, Registration and Resolution Section Chief; and Kelly Neer, External Auditor.

#### I. Preliminary Matters

**Roll Call:** Chairperson James Wright called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present.

**Approval of Minutes:** The minutes from the September 18, 2014 meeting of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. James Wright moved to approve the minutes. Robert Winter seconded the motion, which passed unanimously.

**Superintendent's Report:** Laura Monick presented the report on behalf of the Superintendent. Ms. Monick began the report with a discussion of the Registration and Resolution Section statistics. Ms. Monick also noted that the Superintendent and Ms. Monick are scheduled to speak at the Ohio Township Association Winter Conference. A brief update was provided on the Missing in America Project and the Commissioners were presented a bound copy of the Ohio Cemetery Law Task Force final report.

#### II. Old Business

**Jack Lee-Harris recused himself from the meeting.**

Case No. 2014-367 Patricia Helman vs. Royal Oak Memorial Gardens

Ms. Helman was present. Scott Hughes appeared on behalf of the cemetery. The Commission discussed the actions taken by the cemetery to correct the drainage issues. James Wright then moved to close the complaint. Rufus Slade seconded the motion, which passed unanimously. The Commission also noted that Ms. Helman could file another complaint in the summer if she is not satisfied with the drainage.

**Jack Lee-Harris returned to the meeting.**

Obetz Cemetery

Kelly Neer presented the audit to the Commission. Attorney Adam Rinehart appeared on behalf of the cemetery. The Commission discussed the findings and recommendations of the auditor and the steps being taken by the cemetery to come into compliance. Don Goncy then moved to provide Obetz Cemetery Association until March 2, 2015 to come into substantial compliance with O.R.C.

1721.21 and if Obetz Cemetery Association fails to substantially cure this violation by the deadline, the Commission will have no choice but to refer this matter for criminal prosecution. Tony Hughes seconded the motion, which passed unanimously. The Commission also advised the cemetery that the penalty for a violation of both O.R.C. 1721.21 and 1721.211 carry a separate fine of not more than \$5,000.00 or imprisonment for not more than one year, or both.

#### Ashland Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the steps being taken by the cemetery to come into compliance. C. Thomas Pfeifer then moved to provide Ashland Cemetery Association until March 2, 2015 to come into substantial compliance with O.R.C. 1721.21 and if Ashland Cemetery Association fails to substantially cure this violation by the deadline, the Commission will have no choice but to refer this matter for criminal prosecution. Jay Russell seconded the motion, which passed unanimously. The Commission also advised the cemetery that the penalty for a violation of O.R.C. 1721.21 carries a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both.

### **III. New Business**

#### Case No. 2014-668 Margaret Klinect vs. York Township Cemetery

Laura Monick presented the case. The cemetery was represented by Dorothy Crouch and Trustee Colene Conley. The Commission discussed the information received from Ms. Klinect and spoke with the cemetery representatives. Robert Winter moved to close the case with the recommendation that Ms. Klinect either work with the other heirs to come to an agreement or file a civil action to resolve the dispute with the other heirs. Rufus Slade seconded the motion, which passed unanimously.

#### **Jack Lee-Harris recused himself from the meeting.**

#### Case No. 2014-587 Dona Jones vs. Butler County Memorial Park

Laura Monick presented the case. The Commission reviewed the information sent in by both parties. James Wright then moved to close the case with the recommendation that the cemetery contact families whom had a bench placed without a foundation and offer a discounted foundation to those families to help correct errors and to bring those benches into compliance with the current rules and regulations and that the cemetery provide Ms. Jones a copy of the Rules and Regulations concerning benches. Tony Hughes seconded the motion, which passed unanimously.

#### Case No. 2014-575 Rev. Joel Zipay vs. Resthaven Memory Gardens

Laura Monick presented the case. The Commission reviewed the information sent in by both parties and found that the cemetery had refunded more than ORC 1721.211 requires. James Wright then moved to close the case with the recommendation that if Reverend Zipay's father is still the owner of the lot at Resthaven that Reverend Zipay sell the lot and vault combined. Jay Russell seconded the motion, which passed unanimously.

#### **Jack Lee-Harris returned to the meeting.**

#### **IV. Audits**

##### Woodside Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor. The Commission also reviewed the letter received December 4, 2014, from Woodside Cemetery in which General Manager Fred Wehr provided notice that the Board of Woodside Cemetery voted at their board meeting to continue non-compliance with the requirements set forth in O.R.C. 1721.211(H). Robert Winter then moved to provide Woodside Cemetery until March 2, 2015 to adhere fully to O.R.C. 1721.211 and if Woodside Cemetery fails to cure this violation by the deadline, the Commission will have no choice but to refer this matter for criminal prosecution. Jack Lee-Harris seconded the motion, which passed unanimously. The Commission also advised the cemetery that the penalty for a violation of O.R.C. 1721.211 carries a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both.

##### Woodlawn Cemetery

Kelly Neer presented the audit to the Commission. Rick Wagner attended on behalf of the cemetery. The Commission discussed the findings and recommendations of the auditor and the letter received on December 10, 2014 from Attorney Donald J. Witter. Rufus Slade then moved to continue the audit review to the March 19, 2015 meeting. C. Thomas Pfeifer seconded the motion, which passed unanimously.

##### Reedsburg Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. C. Thomas Pfeifer then moved to continue the audit review to the March 19, 2015 meeting. Don Gony seconded the motion, which passed unanimously.

##### Amanda Township Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. Jay Russell then moved to continue the audit review to the March 19, 2015 meeting. C. Thomas Pfeifer seconded the motion, which passed unanimously.

#### **V. Other Business**

##### Review of Minimum Maintenance Guidelines

The Commission moved the discussion to the March 19, 2015 meeting.

##### Crematory Review Board Meeting

Laura Monick and James Wright provided an update on the Crematory Review Board meeting held on November 19, 2014.

##### 2015 Meeting Dates

Tony Hughes moved to accept the proposed meeting dates of March 19<sup>th</sup>, July 16<sup>th</sup>, September 17<sup>th</sup> and December 10<sup>th</sup>. Rufus Slade seconded the motion, which passed unanimously.

#### **VI. Adjournment**

Tony Hughes moved to adjourn. Jay Russell seconded the motion, which passed unanimously.