



Department of Commerce

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John R. Kasich, Governor

Jacqueline T. Williams, Director

Anne M. Petit, Superintendent

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

July 16, 2015
10:00 a.m.

PRESENT: James Wright, Chair; Don Goncy; Tony Hughes; Jack Lee-Harris; C. Thomas Pfeifer; Jay Russell; Rufus Slade; Robert Winter; Superintendent Anne M. Petit; Laura Monick, Registration and Resolution Section Chief; Kelly Neer, External Auditor; and Walter McNamara, Assistant Attorney General.

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 March 19, 2015 meeting of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. Tony Hughes moved to approve the minutes. Rufus Slade seconded the motion, which passed unanimously.

Superintendent's Report: Superintendent Petit introduced Jacqueline T. Williams, the Ohio Department of Commerce Director. Director Williams took a few minutes to speak with the Commission. Director Williams and Superintendent Petit then presented certificates of recognition to Commissioners Robert Winter and Tony Hughes for their service during their appointed terms. After the presentation, Superintendent Petit reviewed the Superintendent's report noting the continued high level of outreach and interaction with cemeteries and consumers.

II. Old Business

Case No. 2014-739 Garry Womer vs. Green Haven Memorial Gardens

Laura Monick presented the complaint to the Commission. After reviewing the actions taken by the cemetery and hearing that the Complainant is currently satisfied, Rufus Slade moved to close the case with no further action. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Jack Lee-Harris recused himself from the meeting.

Case No. 2015-87 Mary Lugar vs. Resthaven Memory Gardens

Mrs. Lugar was present. The Commission reviewed the actions being taken by the cemetery to correct the drainage issue and heard from Mr. & Mrs. Lugar. At the meeting, the Lugars indicated that they would

like a full refund for the 2 unused plots they currently own at Resthaven and they would like their son disinterred so they may move him to another cemetery.

Tony Hughes moved to continue the case until the September 17, 2015 meeting in order to allow the Operator time to complete drainage repairs and work towards a resolution with the Lugars; to have External Auditor Kelly J. Neer conduct a site visit and directed the Superintendent of the Division of Real Estate and Professional Licensing to issue a subpoena to the cemetery operator to appear at the September 17, 2015 meeting. Robert Winter seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting.

Woodside 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. Mr. Neer confirmed that the cemetery is in compliance and has processes in place to maintain compliance. Don Goncy then moved to close the audit. Tony Hughes 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. The Commission found that Reedsburg Cemetery failed to properly follow the requirements of O.R.C. 1721.21; that the cemetery operator, Reedsburg Cemetery Association, was duly informed of this illegal conduct and was provided ample opportunity to comply with the recommendations set forth in the compliance audit report and that the Association failed to come into compliance with O.R.C. 1721.21. Based upon the above findings, Tony Hughes moved that Reedsburg Cemetery be referred to the prosecuting attorney of Wayne County for alleged violations of O.R.C. 1721.21 and that the prosecuting attorney should initiate such proceedings as are appropriate. Jay Russell seconded the motion, which passed unanimously.

Grandview Memorial Park

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor. The audit found that Grandview Memorial Park failed to properly follow the requirements of O.R.C. 1721.21 and 1721.211; was duly informed of this illegal conduct and was provided multiple opportunities to comply with the recommendations set forth in the compliance audit report. The Commission previously heard this audit review at the March 19, 2015 meeting. Tony Hughes moved to provide Grandview Memorial Park until September 4, 2015 to adhere fully to O.R.C. 1721.21 and 1721.211 and if Grandview Memorial Park fails to cure this violation by the deadline, the Commission will refer this matter for criminal prosecution. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Fairview Memorial Park

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor. The audit found that Fairview Memorial Park failed to properly follow the requirements of O.R.C. 1721.21 and 1721.211; was duly informed of this illegal conduct and was provided multiple opportunities to comply with the recommendations set forth in the compliance audit report. The Commission previously heard this audit review at the March 19, 2015 meeting. Tony Hughes moved to provide Fairview Memorial Park until September 4, 2015 to adhere fully to O.R.C. 1721.21 and 1721.211 and if Fairview Memorial Park fails to cure this violation by the deadline, the Commission will refer this matter for criminal prosecution. C. Thomas Pfeifer seconded the motion, which passed unanimously.

III. New Business

Jack Lee-Harris recused himself from the meeting.

Case No. 2015-288 Patricia Helman vs. Royal Oak Memorial Gardens

Ms. Helman was present. The Commission reviewed the actions being taken by the cemetery to correct the drainage issue and heard from Ms. Helman. Tony Hughes moved to continue the case until the December 10, 2015 meeting in order to allow the Operator time to complete drainage repairs and to have External Auditor Kelly J. Neer conduct a site visit. C. Thomas Pfeifer seconded the motion, which passed unanimously. Tony Hughes then moved to direct the Superintendent of the Division of Real Estate and Professional Licensing to issue a subpoena to the cemetery operator to appear at the December 10, 2015 meeting. Rufus Slade seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting.

Case No. 2015-314 Sharon Fairburn vs. Crown Hill Burial Park

Laura Monick presented the case. Based upon the information provided by the Cemetery, the headstone was set and the grave leveled and seeded. Jay Russell moved to close the case with no further action. Jack Lee-Harris seconded the motion, which passed unanimously.

IV. Audits

Crown Hill Burial Park

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. Don Gony moved to continue the audit review to the September 17, 2015 meeting. Tony Hughes seconded the motion, which passed unanimously.

Evergreen Memorial Park & Zion Memorial Park

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 to come into compliance. Jack Lee-Harris then moved to close the audit. Jay Russell seconded the motion, which passed unanimously.

North Lawn Cemetery & West Lawn 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. Rufus Slade then moved to continue the audit review to the September 17, 2015 meeting. Robert Winter seconded the motion, which passed unanimously.

V. Other Business

Expired Cemetery Registrations

Laura Monick presented sixteen cemeteries with expired cemetery registrations. Upon review, Jay Russell moved to find that the cemeteries listed in the attached Exhibit A failed to timely renew their annual registration; that those cemeteries had been contacted by Division staff and that there was renewal paperwork pending processing. Based upon those findings, Jay Russell moved, pursuant to Revised Code 4767.08(A), that the Commission request the prosecuting attorney of the county in which the alleged violations of Revised Code 4767.02(A) occurred initiate such proceedings as are appropriate if any of the cemeteries listed in the attached Exhibit A failed to file their complete renewal paperwork by July 31, 2015. Tony Hughes seconded the motion which passed unanimously.

Failure to Obtain a New Registration

Laura Monick presented nineteen cemeteries that have failed to properly register. Upon review, C. Thomas Pfeifer moved to find that the cemeteries listed in the attached Exhibit A had been contacted by Division staff about the cemetery registration requirements in Ohio and that those cemeteries failed to register. Based upon those findings, C. Thomas Pfeifer moved, pursuant to Revised Code Section 4767.08(A), that the Commission request the prosecuting attorney of the county in which the alleged violations of Revised Code 4767.02(A) occurred initiate such proceedings as are appropriate. Jay Russell seconded the motion, which passed unanimously.

Presentation Topics

There was a brief discussion of presentation topics that the Division could offer at conventions and seminars.

VI. Adjournment

Tony Hughes moved to adjourn. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Expired Cemetery Registrations Exhibit A

CEO.0000000505	East Akron Cemetery Co., The	The East Akron Cemetery	Summit
CEO.0000001451	Fairview Memorial Park, Inc.	Fairview Memorial Park	Delaware
CEO.0000001450	Grandview Memorial Park, Inc.	Grandview Memorial Park	Portage
CEO.0000001601	Greencastle Cemetery Association	Greencastle Cemetery	Montgomery
CEO.0000001566	Jeffersonview Cemetery Association	Jeffersonview Cemetery	Montgomery
CEO.0000000571	Mt. Zion Cemetery Assoc.	Mt. Zion Cemetery	Belmont
CEO.2003003065	Obetz Cemetery Association	Obetz Cemetery	Franklin
CEO.0000001405	Otterbein Homes	Otterbein-Lebanon Retirement Community	Warren
CEO.2005015099	Sugar Grove Cemetery Association	Sugar Grove Cemetery	Clinton
CEO.2007002104	New Haven Cemetery Association	New Haven Cemetery	Hamilton
CEO.2008003472	Galion Cemetery Association	Fairview Cemetery	Crawford
CEO.2012002028	Saint James Episcopal Church	St. James Episcopal Church Columbarium	Hamilton
CEO.2013001226	Trustees of Mount Zion Shoup Cemetery	Mount Zion Shoup Cemetery	Greene
CEO.2014003160	Greenford Evangelical Lutheran Church	Greenlawn Cemetery	Mahoning
CEO.2015000342	Fernwood Cemetery Association	Fernwood Cemetery	Franklin
CEO.2015001076	Newmans Creek Cemetery Association	Newmans Creek Cemetery	Stark

Failure to Obtain a New Registration Exhibit A

		Exhibit A	
Operator	Cemetery	Location	County
Pike Run Cemetery Assn	Pike Run Cemetery	Lima	Allen
Evergreen Cemetery Assn	Evergreen Cemetery	Saint Paris	Champaign
Longs Run Cemetery Assn	Longs Run Cemetery	East Liverpool	Columbiana
Everal Chapel Cemetery	Everal Chapel Cemetery		Coshocton
Grove City Cemetery Assn	Grove City Cemetery	Grove City	Franklin
Bridgetown Cemetery Assn	Bridgetown Cemetery	Cheviot	Hamilton
Mamre Cemetery Assn	Mamre Cemetery	Kitts Hill	Lawrence
Miller Memorial Gardens	Miller Memorial Gardens	Proctorville	Lawrence
Maple Grove Cemetery	Maple Grove Cemetery	Alexandria	Licking
Greenlawn Cemetery Assn	Greenlawn Cemetery	Crestline	Richland
Lantz Cemetery Assn	Lantz Cemetery	Mansfield	Richland
Eden Church of the Brethren	Eden Church of the Brethren Cemetery	Canton	Stark
Ahavat Zedek Cemetery Inc	Ahavat Zedek Cemetery	Akron	Summit
City of Twinsburg	Locust Grove Cemetery	Twinsburg	Summit
Jewish Community Brd of Akron	Farband Cemetery	Akron	Summit
Jewish Community Brd of Akron	Sherbondy Hill Cemetery	Akron	Summit
Jerusalem Church	Jerusalem Church Cemetery	New Philadelphia	Tuscarawas
Burbank Cemetery Assn	Burbank Cemetery	Creston	Wayne
Pleasant View Cemetery Assn	Pleasant View Cemetery	Sycamore	Wyandot