



## Department of Commerce

Division of Real Estate &  
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**John R. Kasich**, Governor

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### THE OHIO CEMETERY DISPUTE RESOLUTION COMMISSION AGENDA

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

**December 8, 2016**  
**10:00 a.m.**

**PRESENT:** Rufus Slade, Chair; Don Goncy; Scott Harmon; Jack Lee-Harris; C. Thomas Pfeifer; Kirk Roberts; Jay Russell; Robert Winter; Superintendent Anne M. Petit; Laura Monick, Registration and Resolution Section Chief; Kelly Neer, External Auditor; and Christie Limbert, Assistant Attorney General.

#### **I. Preliminary Matters**

**Roll Call:** Chairperson Rufus Slade 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 15, 2016 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed. Jay Russell moved to approve the minutes. Robert Winter seconded the motion, which passed unanimously.

**Superintendent's Report:** Superintendent Petit began her report by discussing the number of new registrations in the last quarter bringing the total number of actively registered cemeteries to 4,021. Enforcement statistics were reviewed and increased outreach was noted which included speaking for the first time at the Ohio Southwest Chapter of the American Public Works Association. Superintendent Petit then introduced Tim Derickson, Executive Director of the Board of Embalmers and Funeral Directors. Superintendent Petit continued her report with discussion about moving Division offices to Schrock Road during the upcoming year. The report concluded with information on the Department of Commerce Legislative Staff and Superintendent Petit working with Representative Pelanda concerning updates to cemetery law.

#### **II. Old Business**

Case No. 2015-721 Marilyn Jarvis vs. Greenlawn Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the settlement agreement reached by the parties and the pictures mailed by Ms. Jarvis. Jack Lee-Harris then moved to close the complaint with no further action. Scott Harmon seconded the motion, which passed unanimously.

Case No. 2015-403 Sharyn Sibera vs. Crown Hill Burial Park

Laura Monick presented the case to the Commission. The Commission reviewed the update from Attorney Rosenacker and the information provided by the Complainant. The Commission discussed that this case has been open since 2015 and that the roadwork is still not completed even though a down payment for the work has been made. C. Thomas Pfeifer then moved to continue the case to July and requested that External Auditor Kelly Neer visit the cemetery in April or May to view the roadwork that should be completed by that time. Kirk Roberts seconded the motion, which passed unanimously.

Case No. 2016-505 Karen Gill POA for Josephine Long vs. Crown Hill Burial Park (New business)

Karen Gill appeared before the Commission. The Commission discussed with Mrs. Gill the issues with the side trim piece that broke off from the mausoleum and which resulted in an opening on the side. The Commission also reviewed pictures and the past attempts to repair the damage that have been unsuccessful. Kirk Roberts then moved to recommend that the cemetery enclose the opening for the winter with a temporary fix within thirty days and then have the permanent work completed no later than April 2017. Scott Harmon seconded the motion, which passed unanimously. The Commission also requested External Auditor Kelly Neer visit the cemetery to confirm that the temporary fix has been completed within thirty days.

Case No. 2016-328 Dwight Stout vs. Mansfield Cemetery Association

Laura Monick presented the case to the Commission. The Commission reviewed the cemetery's response to the Commission's recommendations arising out of the September meeting. Scott Harmon then moved to close the case with the finding that the cemetery addressed all recommendations. Jay Russell seconded the motion, which passed unanimously.

Case No. 2016-562 William Wolfarth vs. Mansfield Cemetery Association (New Business)

Laura Monick presented the case to the Commission. The Commission reviewed the complaint and the cemetery's response. The Commission found that the cemetery's Rules and Regulations do not require the cemetery to buy back lots and that the cemetery cannot move the central family monument. Robert Winter then moved to close the complaint with a copy of the cemetery's Rules and Regulations to be sent to Mr. Wolfarth. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Case No. 2016-338 Veronica Heatherly vs. Butler County Memorial

Laura Monick presented the case to the Commission. The Commission reviewed the complaint and information provided by the cemetery. Upon learning that the parties reached a resolution, Jay Russell moved to close the case with no further action. Kirk Roberts seconded the motion, which passed unanimously.

Case No. 2016-435 James Dingess vs. Arlington Field of Honor

Laura Monick presented the case to the Commission. Sandy Sharon appeared on behalf of the cemetery. The Commission heard testimony from the cemetery operator and reviewed the statement from the Complainant. Upon testimony that the operator will be placing the order for the marker in the next few days, Scott Harmon moved to continue the case until the operator has submitted written proof that the order has been placed. Robert Winter seconded the motion, which passed unanimously.

Case No. 2016-444 Kevin Herdman vs. Arlington Field of Honor

Laura Monick presented the case to the Commission. Sandy Sharon appeared on behalf of the cemetery. The Commission reviewed the complaint and heard testimony from the cemetery operator. Jay Russell then moved to close the complaint with no further action. Jack Lee-Harris seconded the motion, which passed unanimously.

Case No. 2016-490 Darren Pack vs. Arlington Field of Honor (New business)

Laura Monick presented the case to the Commission. Sandy Sharon appeared on behalf of the cemetery. The Commission reviewed the complaint and information provided by the complainant. Ms. Sharon testified that she has no proof that a payment was ever made to have the death date engraved but that she is willing to do it at cost for Mr. Pack. Robert Winter moved to close the case with the recommendation that unless Mr. Pack can provide proof of payment with a receipt that he accept the offer of the operator only charging him her cost. C. Thomas Pfeifer seconded the motion, which passed unanimously.

## **Audits**

### Arlington Field of Honor

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the cemetery's progress towards completing the recommendations. Jay Russell then moved to continue the review to the March meeting in order to obtain documentation to show that the deposit to Clear Point was completed. Jack Lee-Harris seconded the motion, which passed unanimously.

## **III. New Business**

### Case No. 2016-513 Barbara Hoffman vs. Highland Memorial Gardens

Laura Monick presented the case to the Commission. The Commission reviewed the complaint, the information provided by the cemetery and the discussions held with Division staff. The Commission found that the fee for the deeds are a normal cemetery cost. C. Thomas Pfeifer then moved to close the case with the recommendation that Ms. Hoffman pay the \$50 if she would like the original deeds prepared by the cemetery. Kirk Roberts seconded the motion, which passed unanimously.

### Case No. 2016-526 Kelly Christiansen & James Mossor vs. Forest Hill Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed information from both the Complainant and the cemetery's attorney and the information that the cemetery canceled the contract and issued a refund. The Commission noted that they do not have the jurisdiction to sanction the cemetery. Scott Harmon then moved to close the case. Jay Russell seconded the motion, which passed unanimously.

### Case No. 2016-545 Mary Ann Day vs. Highland Memorial Park

Laura Monick presented the case to the Commission. The Commission reviewed the complaint and information provided by the cemetery. Ms. Day provided a letter stating that the mausoleum is sometimes locked during hours published by the cemetery as open times. The Commission noted that the mausoleum has been cleaned up and then moved to close the case with the recommendation that the cemetery adhere to the mausoleum hours posted and maintain a key in the office that is available for the families to use. Kirk Roberts then moved to close the complaint. C. Thomas Pfeifer seconded the motion, which passed unanimously.

## **IV. Audits**

### Ohio Valley Memory Gardens

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. Jay Russell then moved to close the audit with no further action. Robert Winter seconded the motion, which passed unanimously.

### East Akron 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 to come into compliance. Scott Harmon then moved to close the audit with no further action. Jay Russell seconded the motion, which passed unanimously.

**V. Other Business**

Review of Minimum Maintenance Guidelines

Discussion began concerning the minimum maintenance guidelines. Snow removal was initially discussed but it was determined that it would be difficult to issue a minimum guideline due to the wide range of cemetery types and the different weather conditions across the state. The Commission then examined bullet point number three under Grounds and Structure. Jay Russell moved to amend this bullet point to read “Have a plan in place to remove underbrush, leaves, tree seedlings, and dead trees and flowers.”. Scott Harmon seconded the motion, which passed unanimously.

2017 Meeting Dates

The Commission unanimously moved to accept the proposed meeting dates of March 23<sup>rd</sup>, July 20<sup>th</sup>, September 14<sup>th</sup> and December 7<sup>th</sup>.

Failure to Obtain a New Registration

Laura Monick presented eleven cemeteries that have failed to properly register. Upon review, Robert Winter moved to find that the cemeteries listed in 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, Robert Winter 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. Scott Harmon seconded the motion, which passed unanimously.

**Exhibit A**

Operator	Cemetery	County
Bethesda Church Cemetery Assoc	Bethesda Church Cemetery	Columbiana
Village of Crown City	Crown City Cemetery	Gallia
Guyan Township	Old Mercerville Cemetery	Gallia
Highland Cemetery Association	Highland Cemetery	Perry
Huntington Township	Mount Tabor Cemetery	Gallia
Kirkwood Cemetery Association	Kirkwood Cemetery	Madison
Monroe Township	Dew Cemetery	Perry
Rich Hill Cemetery Association	Rich Hill Cemetery	Muskingum
Scioto Township	Buckeye Cemetery	Jackson
South Bend Cemetery Association	South Bend Cemetery	Seneca
Wesley Chapel Methodist Church	Wesley Chapel Cemetery	Perry

Greencastle Cemetery

Jay Russell moved to authorize the Superintendent issue all necessary subpoenas in the open audit of Greencastle Cemetery. Jack Lee-Harris seconded the motion, which passed unanimously.

**VI. Adjournment**

Jay Russell moved to adjourn. Scott Harmon seconded the motion, which passed unanimously.