



Ohio Department of Commerce
Division of Real Estate & Professional Licensing

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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

June 11, 2009
10:00 a.m.

PRESENT: James Wright, Chairperson; Richard D. Finn, Vice Chair; Thomas A. Kayati, Secretary; Stephen Bittner; Marilyn Brandt; Marguerite Cox Molk; Gregory W. Roberts; Robert Shenefield; Harold J. Wagner; Laura Meechan, Division Legal Counsel, and Theodore J. Hornyak, Investigator.

ABSENT: None.

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 of the March 19, 2009 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Stephen Bittner moved to approve the minutes. Richard Finn seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received 14 complaints during the quarter. 16 complaints are open. The Division handled 200 phone calls, five email queries, and mailed five complaint forms. 3,493 cemeteries are currently registered with the Division.

StoneMor Partners, LP closed on management agreements with Rest Haven Memorial Park Association in Cincinnati and Kingwood Memorial Park association in Lewis Center.

Theodore Hornyak will be speaking about basic cemetery laws and examples of problems that could occur at a natural burial cemetery from experience with OCDRC complaints in Stark County at the First Annual Green Burial Seminar hosted by Foxfield Preserve Cemetery, The Wilderness Center and The Green Burial Council on September 10

The DCRA conference is scheduled to be September 14-17. The DCRA website now contains a spreadsheet with cemetery trusting requirement from states and provinces around the United States and Canada. DCRA also posted consumer information based on the tips in the consumer brochure of the Division and OCDRC.

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The City of East Liverpool registered Spring Grove Cemetery.

The Division and OCDRC Chair James Wright thanked Stephen Bittner and Gregory Roberts for their service on the OCDRC. Both of their terms expire July 2.

II. Old Business:

Clarence H. Canter vs. Canter-Wells Cemetery - Case No. 2008-889 – Scioto County - Registration 981637

Neither party attended the meeting. Theodore Hornyak reported that the parties requested that the Commission leave the complaint open to the next meeting. A local judge is expected to rule on a Writ of Mandamus next month. Richard Finn moved to leave the complaint open. Stephen Bittner seconded the motion, which passed unanimously.

Reginald D. Merwin Jr. vs. Spring Grove Cemetery & Arboretum - Case No. 2008-914 – Hamilton County – Registration 981544

Neither party attended the meeting. Theodore Hornyak reported that the complainant was unable to attend the meeting because he had to be out of the state and requested that the Commission leave the complaint open to the next meeting. Robert Shenefield moved to leave the complaint open. Gregory Roberts seconded the motion, which passed unanimously.

III. New Business

Debora Allyn vs. Green Haven Cemetery - Case No. 2009-201 – Mahoning Co. – Registration 983184

The complainant was unable to attend the meeting. Theodore Hornyak presented the complaint to the Commission. Jason Bonamo spoke on behalf of the cemetery operator. Stephen Bittner moved to discuss the complaint in Executive Session. Marilyn Brandt seconded the motion which passed unanimously by roll call. Richard Finn moved to come out of Executive Session. Marguerite Molk seconded the motion, which passed unanimously.

Gregory Roberts moved to close the complaint with the recommendation that the cemetery operator provide the complainant or her designee a credit to be used within one year after June 11, 2009 in the amount of \$1,765.00 and that the complainant could retain an attorney if she did not agree with this recommendation. Marguerite Molk seconded the motion, which passed unanimously.

Mark and Connie Boyd vs. Oak Grove Memorial Park - Case No. 2009-205 - Richland Co. – Registration 982904

Gregory Roberts recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainant received a refund in the amount of \$187.00. Marilyn Brandt moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

Gregory Roberts rejoined the meeting.

Helen Thomas Gortney vs. West Lawn Cemetery - Case No. 2009-253 – Stark Co. – Registration 980285

Neither party attended the meeting. Theodore Hornyak reported that the parties are working on a resolution and would like to leave the complaint open. Marilyn Brandt moved to leave the complaint open to the next meeting. Thomas Kayati seconded the motion, which passed unanimously.

Drew W. Griffin vs. Highland Memorial Gardens - Case No. 2009-264 – Lawrence Co. – Registration 982945

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Marilyn Brandt moved to close the complaint with the recommendation that the cemetery operator revisit the 72 hour notice that he recently instituted, post the notice in the cemetery and explain the policy to new purchasers. Gregory Roberts seconded the motion, which passed unanimously.

Lois Hawk vs. Woodlawn Cemetery - Case No. 2009-262 – Allen Co. – Registration 980694

Neither party attended the meeting. Theodore Hornyak reported that that the cemetery operator transferred the family graves to the complainant. Marguerite Molk moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

IV. Other Business

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, September 24, 2009 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

V. Adjournment

Stephen Bittner moved to adjourn the June 11, 2009 meeting of the Ohio Cemetery Dispute Resolution Commission. Gregory Roberts seconded the motion, which passed unanimously.