



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

September 13, 2007
10:00 a.m.

PRESENT: Marilyn Brandt, Chairperson; Stephen Bittner, Secretary; Marguerite Cox Molk; Robert Shenefield; Harold J. Wagner; James Wright; Holly Johnston-Cook, Division Chief Legal Counsel, and Theodore J. Hornyak, Investigator.

ABSENT: Gregory W. Roberts and Thomas A. Kayati.

I. Preliminary Matters:

Roll Call: Chairperson Marilyn Brandt called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except Gregory W. Roberts and Thomas A. Kayati

Election of Officers: Marilyn Brandt moved to nominate herself as Chairperson. Marguerite Molk seconded the motion, which passed unanimously. Stephen Bittner moved to nominate James Wright as Vice Chairperson. Harold Wagner seconded the motion, which passed unanimously. Stephen Bittner moved to nominate himself as Secretary. Robert Shenefield seconded the motion, which passed unanimously.

Approval of Minutes: The minutes of the June 28, 2007 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Stephen Bittner moved to approve the minutes. Harold Wagner seconded the motion, which passed unanimously.

Superintendent’s Report: The Division’s Cemetery Section handled 202 phone calls, four email queries, and mailed ten complaint forms since the last meeting on March 15, 2007. Fourteen complaints are currently open.

Theodore Hornyak spoke about cemetery regulations and the OCDRC at the conference of the Ohio Association of Cemetery Superintendents and Officials on August 6th. Mr. Hornyak is also scheduled for presentations at a meeting of OFDA District 10 in Chillicothe on September 25th and the conference of Catholic Cemeteries of Ohio in Coshocton on October 17th. Mr. Hornyak will also be attending the conference and meeting of the North American Cemetery Regulators Association held from October 30 through November 2.

<i>FINANCIAL INSTITUTIONS</i>	<i>INDUSTRIAL COMPLIANCE</i>	<i>LABOR & WORKER SAFETY</i>	<i>LIQUOR CONTROL</i>
<i>REAL ESTATE & PROFESSIONAL LICENSING</i>	<i>SECURITIES</i>	<i>STATE FIRE MARSHAL</i>	<i>UNCLAIMED FUNDS</i>

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II. Old Business:

Endowment Care and Preneed Cemetery Merchandise and Services Trust Audit of Rose Hill Burial Park, Butler County, pursuant to ORC Sections 4767.02(B)(8) and 4767.06(G) – Transfer from Service Corporation International to Gibraltar Remembrance Service (Indiana)

James Wright recused himself from the Commission meeting. Mercy Carrasco, from Service Corporation International, and Neil Shoger, from Gibraltar Remembrance Services, spoke before the Commission. Stephen Bittner moved to discuss the audit results in Executive Session. Robert Shenefield seconded the motion, which passed unanimously.

After meeting in Executive Session, Chairperson Brandt restored the regular meeting. Stephen Bittner moved to approve the registration application for the new operator. Marguerite Molk seconded the motion, which passed unanimously.

James Wright rejoined the meeting.

Compliance at Crown Hill Cemetery – Summit County – Registration 980454

Theodore Hornyak reported that the operator of Crown Hill Cemetery, StoneMor Partners, LP, provided a copy of an executed Endowment Care Trust Agreement identifying Independence Trust company as the Trustee of the cemetery's endowment care trust.

Leonard Mingus vs. Riverside Cemetery – Case No. 2006-880 – Erie Co. – Registration 981243

Neither party attended the meeting. Stephen Bittner moved to close the complaint. Marguerite Molk seconded the motion, which passed unanimously.

Kevin Maher vs. Mt. Sinai Cemetery - Case No. 2007-33 - Cuyahoga Co. – Registration 983112

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied with the cemetery operator's response to his complaint. Robert Shenefield moved to close the complaint. Stephen Bittner seconded the motion, which passed unanimously.

Ryan C. James vs. Pineview Memorial Park - Case No. 2007-110 – Trumbull Co. – Registration 983182

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied with the cemetery operator's response that funeral homes have the option of using the cemetery's services to install a vault from an outside vault dealer or the vault dealer can enter the cemetery and install a vault at Pineview Cemetery.

Robert Shenefield moved to close the complaint with the recommendation that the cemetery operator consider establishing the policy at other properties. Marguerite Molk seconded the motion, which passed unanimously.

Diane Anderson vs. North Royalton Cemetery – Case No. 2007-310 - Cuyahoga Co. – Registration 980790

Neither party attended the meeting. Theodore Hornyak reported that the parties were close to reaching an agreement to resolve the complaint. Stephen Bittner moved to leave the complaint open to the next meeting at. James Wright seconded the motion, which passed unanimously.

III. New Business:

Cemetery Registration Status

Venice Cemetery, Butler County, Registration 982666
Miami Memorial Park, Miami County, Registration 981114
Beech Grove, Hamilton County, Registration 980389
Fairview Memorial Gardens, Hocking County, Registration 983163
East Carmel Cemetery, Columbiana County, Registration 980924

Theodore Hornyak reported that each of the cemetery's registrations expired. The cemeteries were operating in violation of ORC Section 4767.02(A). Stephen Bittner moved to refer the violations to the county prosecutors in which each cemetery is located. Robert Shenefield seconded the motion, which passed unanimously.

Roberta Saxbe vs. New Carlisle Cemetery - Case No. 2007-415 – Clark Co. – Registration 980809

Roberta Saxbe presented her complaint to the Commission. Howard Kitko and Greg Slattery spoke on behalf of the cemetery operator. The Commission members consulted with the operator regarding maintenance procedures.

Marguerite Molk moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously.

Gina LeCocq Case No. 2007-428 and Shirley Nelson Case No. 2007-702 vs. Deavertown Cemetery – Morgan Co. – Not Registered

None of the parties attended the meeting. Theodore Hornyak reported that the cemetery was not registered with the Division pursuant to ORC Section 4767.02(A). James Wright moved to refer the violation to the Morgan County Prosecutor. Stephen Bittner seconded the motion, which passed unanimously.

John L. Creps vs. Wood County Memory Gardens – Case No. 2007-478 - Wood Co. – Registration 982358

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator agreed to maintain Wood County Memory Gardens in the same condition as the other cemeteries operated by American Cemetery Services, LLP.

James Wright moved to close the complaint. Marguerite Molk seconded the motion, which passed unanimously.

Joyce Baumunk vs. Powell Cemetery – Case No. 2007-494 - Hancock Co. – Registration 982341

Joyce Baumunk and Carma Lehman presented the complaint. Darl Deeds spoke on behalf of the cemetery operator.

Stephen Bittner moved to close the complaint with the recommendation that:

1. The trustees formulate rules and regulations with a little bit more depth and make them available to all customers.
2. The trustees explore the aisleway/tileway to see if it is going to be an issue of an adverse nature to the lot holders in the cemetery.
3. Communication should exist a little more clearly from the trustees and the family should be involved in burial site location.
4. Put some money aside for the future.
Sell graves instead of square footage.
Address decorations.

Harold Wagner seconded the motion, which passed unanimously.

Harry E. Ross vs. Rose Hill Burial Park (Hamilton) – Case No. 2007-576 - Butler Co. – Registration 982917

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator installed his family's grave marker.

Marguerite Molk moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously.

Julie Kamphaus vs. Hickory Ridge Cemetery – Case No. 2007-631 – Brown Co. - Registration 983186

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission.

Harold Wagner moved to close the complaint with the recommendation that the Division send a copy of the Commission's Cemetery Minimum Maintenance Guidelines to the cemetery operator. Robert Shenefield seconded the motion, which passed unanimously.

IV. Other Business

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, December 6, 2007 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 September 13, 2007 meeting of the Ohio Cemetery Dispute Resolution Commission. Harold Wagner seconded the motion, which passed unanimously.