



Department of Commerce

Division of Real Estate &
Professional Licensing
John R. Kasich, Governor
David Goodman, Director

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 20, 2012
10:00 a.m.

PRESENT: Marilyn Brandt, Chair; Robert Winter, Vice-chair; David Shanteau; Phyllis Byard; Tony Hughes; Rufus Slade; Laura Monick, Division Legal Counsel; and Keith O’Korn, Assistant Attorney General.

I. Preliminary Matters:

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

Election of officers:

Election of Chairperson: Robert Winter nominated David Shanteau and Rufus Slade nominated Marilyn Brandt. Tony Hughes seconded the nomination of Marilyn Brandt. Marilyn Brandt’s nomination passed unanimously.

Election of Vice Chairperson: Marilyn Brandt nominated Robert Winter. The nomination was seconded by Tony Hughes. Robert Winter’s nomination passed unanimously.

Election of Secretary: Tony Hughes nominated Phyllis Byard. Marilyn Brandt seconded the nomination. Phyllis Byard’s nomination passed unanimously.

Approval of Minutes: The minutes from the June 28, 2012 of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. David Shanteau moved to approve the minutes. Tony Hughes seconded the motion, which passed unanimously.

Superintendent’s Report: Rufus Slade was congratulated on his re-appointment to the Commission. Since August 27th Laura Monick has received 64 phone calls, opened 2 new cases, and registered 2 new cemeteries. There are currently 12 open complaints. There are a total of 3540 cemeteries actively registered. A total of nine cemeteries failed to file renewals.

Appointments to the Crematory Review Board: Rufus Slade, Marilyn Brandt and Phyllis Byard were appointed to the Crematory Review Board.

I. New Business

Case No. 2012-384 Harry Williamson, Jr. vs. Ridge Hill Memorial Park – Lorain Co. – Registration 980466

Harry Williamson, Jr. presented his complaint to the Commission. The cemetery operator did not attend. David Shanteau moved keep the complaint open and to request the cemetery send a complete set of the cemetery rules and regulations and the names, occupations and addresses of the cemetery board's officers. Tony Hughes seconded the motion, which passed unanimously.

Case No. 2012-356 Barbara Cullen vs. Green Haven Memorial Gardens – Mahoning Co. – Registration 983184

Barbara Cullen presented her complaint to the Commission. The cemetery operator did not attend but had sent in an additional letter. David Shanteau moved to close the case with a recommendation that the cemetery issue a full refund of \$4621 to Ms. Cullen due to the double sale of her crypts. Phyllis Byard seconded the motion, which passed unanimously.

Case No. 2012-298 Theresa Buelow vs. Arlington Field of Honor – Franklin Co. – Registration 980384

Theresa Buelow presented her complaint to the Commission. Ted Howard and Linda McKirgan presented the cemetery's response. David Shanteau moved to close the case with the recommendation that the cemetery refund \$650 that was paid by Thomas and Patricia Phillips for 2 burial vaults and install the double marker free of charge. Phyllis Byard seconded the motion, which passed unanimously.

David Shanteau recused himself from the remainder of the meeting.

Case Nos. 2012-301 and 2012-302 Dana Hojenski vs. West Lawn Cemetery – Stark Co. – Registration 980285

Neither party attended the meeting. Laura Monick presented the case. Phyllis Byard moved to close the complaint. Tony Hughes seconded the motion, which passed unanimously.

Case No. 2012-409 Joyce Maresh vs. Hillside Memorial Park – Summit Co. – Registration 982219

Neither party attended the meeting. Laura Monick presented the case. Robert Winter moved to close the complaint with the recommendation that Ms. Maresh check with the cemetery to see if a less expensive option is available to place the veteran's marker such as using granite or concrete. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2012-411 Walterine Stribling vs. West Memory Gardens – Montgomery Co. – Registration 981019

Neither party attended the meeting. Laura Monick presented the case and indicated that the parties had settled with the cemetery refunding Ms. Stribling's money. Tony Hughes moved to close the complaint. Robert Winter seconded the motion, which passed unanimously.

Case No. 2012-312 Virginia Schwartz vs. Resthaven Memory Gardens – Lorain Co. – Registration 983202

Neither party attended the meeting. Laura Monick presented the case and informed the Commission that Ms. Schwartz called because she couldn't attend the hearing but wanted to tell the commission that a cemetery is a place of honor and she will continue to pursue this. Tony Hughes moved to close the complaint with the recommendation that Ms. Schwartz be notified the cemetery is in compliance with the recommended minimum maintenance guidelines but also recommended that the cemetery go out and look at the conditions of the grounds, fill-in any ruts as soon as they are able, and to use herbicide all fall. Robert Winter seconded the motion, which passed unanimously.

Case No. 2012-386 Brenda Thompson vs. Green Lawn Cemetery – Franklin Co. – Registration 982676

Brenda Thompson presented her complaint to the Commission. The cemetery operator did not attend. Tony Hughes moved to close the complaint with the recommendation that the cemetery remove the vault from Ms. Thompson's lot and provide a new vault at the time of need; that the cemetery notify Ms. Thompson in advance of when they will remove the vault from her lot, and that the cemetery provide notification to families at the time of burying vaults pre-need and include it in the rules and regulations. Robert Winter seconded the motion, which passed unanimously.

- Expired Cemetery Registrations - Robert Winter moved to refer nine cemeteries to their respective county prosecutors for violating ORC 4767.02(A) for failing to renew the cemetery registrations. Rufus Slade seconded the motion, which passed unanimously.

II. **Other Business**

Five Year Rule Review - The Commission reviewed the proposed changes to Ohio Administrative Code 1301:01 that were provided by Division Legal Counsel. Rufus Slade moved to approve the proposed changes in Ohio Administrative Code 1301:01 as provided by the Division and to have the Division move forward with the rule review process. Tony Hughes seconded the motion, which passed unanimously.

V. **Adjournment**