



Department of Commerce

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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, 22nd Floor, Hearing Room
Columbus, OH 43215-6133

December 10, 2015
10:00 a.m.

PRESENT: Jack Lee-Harris, Chair; James Wright; Don Goncy; 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 Jack Lee-Harris called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except for James Wright.

Approval of Minutes: The minutes from the September 17, 2015 meeting of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. Robert Winter moved to approve the minutes. C. Thomas Pfeifer seconded the motion, which passed unanimously.

James Wright arrived at the meeting.

Superintendent's Report: Superintendent Petit reviewed the high number of new registrations and the recent speaking engagements presented by Ms. Monick. Superintendent Petit also congratulated Scott Harmon on his recent appointment to the Commission. Finally, Superintendent Petit noted pending legislation and her testimony in front of the Sunset Review Commission.

II. Old Business

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

Ms. Sibera appeared before the Commission. Attorney Rosenacker appeared on behalf of the cemetery. After hearing from both parties, Rufus Slade moved to continue the case to the July meeting in order to provide the cemetery time to create a maintenance plan and to send the External Auditor to view the cemetery within the next few weeks and again in July prior to that commission meeting. Jay Russell seconded the motion, which passed unanimously.

Crown Hill Burial Park

Kelly Neer presented the audit to the Commission. Attorney Rosenacker appeared on behalf of the cemetery and presented paperwork on the accounting of the merchandise and services trust. The Commission discussed the findings and recommendations of the auditor and the information provided by

Attorney Rosenacker. James Wright then moved to continue the audit to the March Commission meeting. Rufus Slade seconded the motion, which passed unanimously.

III. New Business

Case No. 2015-526 Jennifer White vs. Crown Hill Burial Park

Laura Monick presented the complaint to the Commission. Attorney Rosenacker appeared on behalf of the cemetery. After reviewing the complaint, hearing from Attorney Rosenacker and seeing the picture showing the grave with sod and the memorial placed correctly; C. Thomas Pfeifer moved to close the complaint with no further action. Jay Russell seconded the motion, which passed unanimously.

Case No. 2015-448 Superintendent vs. Hecla Cemetery

Laura Monick presented the complaint to the Commission. The Commission reviewed the complaint. Jay Russell then moved to continue the case to the March Commission meeting and authorized the Superintendent to issue a subpoena to the cemetery operator to appear at the March meeting and to produce records related to the operation of the cemetery. Don Goney seconded the motion, which passed unanimously.

Case No. 2015-493 Connie Kise vs. Raymond Cemetery

Laura Monick presented the complaint to the Commission. The Commission reviewed the complainant's request to withdraw the complaint. After reviewing the complaint and the cemetery's response, James Wright moved to close the case. Jay Russell seconded the motion, which passed unanimously.

Case No. 2015-540 Mary Ellen Praither vs. Mifflin Cemetery

Laura Monick presented the complaint to the Commission. Melissa Rapp spoke on behalf of the cemetery. After reviewing the complaint and the information provided by the cemetery operator as to the steps taken to resolve the complaint, Robert Winter moved to close the case with the recommendation that the Board of Trustees write a personal apology letter to the complainant explaining why items were removed and that they are working on improving communication. James Wright seconded the motion, which passed unanimously.

Case No. 2015-540 Janice Mueller vs. Mifflin Cemetery

Laura Monick presented the complaint to the Commission. Melissa Rapp spoke on behalf of the cemetery. After reviewing the complaint and the information provided by the cemetery operator as to the steps taken to resolve the complaint, Robert Winter moved to close the case with the recommendation that the Board of Trustees write a personal apology letter to the complainant explaining why items were removed and that they are working on improving communication. James Wright seconded the motion, which passed unanimously.

Case No. 2015-583 Patricia Caldwell vs. Arlington Field of Honor

Ms. Caldwell appeared before the Commission. After reviewing the complaint and the information provided by the cemetery operator, James Wright moved to continue the case to the March commission meeting. Jay Russell seconded the motion, which passed unanimously.

Jack Lee-Harris recused himself from the meeting.

Case No. 2015-627 Mary Myler vs. Crown Hill Cemetery

Laura Monick presented the complaint to the Commission. After reviewing the complaint and the cemetery's response, Jay Russell moved to close the case with the recommendation that the Operator refund the installation fee of \$165 and that Ms. Myler should consider taking delivery of her marker for future use. If a refund of the installation fee is issued, the Commission noted that should Ms. Myler decide

in the future to have the marker installed she may have to pay the current price of installation. The Operator should work with Ms. Myler on any details. James Wright seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting.

IV. Audits

Highland Memorial 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. C. Thomas Pfeifer then moved to approve the recommendations of the Superintendent and close the case. Jay Russell seconded the motion, which passed unanimously.

V. Other Business

Crematory Review Board Meeting

Laura Monick provided an update on the Crematory Review Board meeting held on November 17, 2015. Rufus Slade and James Wright also spoke briefly about the meeting.

2016 Meeting Dates

The Commission unanimously moved to accept the proposed meeting dates of March 24th, July 21th, September 15th and December 8th.

Grandview Memorial & Fairview Memorial Update

Laura Monick provided an update on the referrals made by the Commission concerning both cemeteries.

VI. Adjournment

James Wright moved to adjourn. Jay Russell seconded the motion, which passed unanimously.