



Department of Commerce

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THE OHIO CEMETERY DISPUTE RESOLUTION COMMISSION

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

March 23, 2017
10:00 a.m.

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

EXCUSED: Don Gony

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 except for Don Gony who was excused.

Approval of Minutes: The minutes from the December 8, 2016 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed. Scott Harmon moved to approve the minutes. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Superintendent's Report: Laura Monick presented the report on behalf of Superintendent Petit. Ms. Monick began the report by discussing the number of new registrations in the last quarter bringing the total number of actively registered cemeteries to 4,069. An overview of the Crematory Review Board Meeting was discussed. Ms. Monick then covered the upcoming 5-year rule review and the cemetery renewal process that begins April 24th. The Commissioners were also reminded that their Financial Disclosure Statements were due by May 15th.

II. Old Business

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

Laura Monick presented the case to the Commission. The Commission reviewed pictures taken by External Auditor Kelly Neer from his January visit and the follow-up pictures from the cemetery showing that the temporary fix was completed. C. Thomas Pfeifer then moved to continue the case until the July Commission meeting to ensure that the permanent work is completed by the end of April. Jack Lee-Harris seconded the motion, which passed unanimously. The Commission also requested that Auditor Neer travel to the cemetery at the beginning of May to view the completed work.

Arlington Field of Honor

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. Robert Winter then moved to close the audit. C. Thomas Pfeifer seconded the motion, which passed unanimously.

III. New Business

Case No. 2017-92 Vesta Miller vs. Arlington Field of Honor

Ms. Miller appeared before the Commission. The Commission spoke with Ms. Miller about her account, her attempts at timely completing her payments and concerns that she not be charged interest. The Commission also reviewed the information provided by the cemetery operator. Scott Harmon then moved to continue the case until the July Commission meeting with the recommendation that Ms. Miller cancel the two checks that have not been cashed and to reissue the payments; that upon receipt of the final payment Ms. Sharon issue a receipt to Ms. Miller and provide written confirmation that the contract will be honored. It was also moved that the case may be closed upon verification that their recommendations have been completed. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Case No. 2016-689 Richard Bently vs. Highland Memorial Gardens

Laura Monick presented the case to the Commission. The Commission reviewed the complaint and the information provided by the cemetery operator that the doors have been fixed and the lock removed. C. Thomas Pfeifer then moved to close the case. Scott Harmon seconded the motion, which passed unanimously.

Crest Haven Memorial Gardens Outside Audit Review

David Royal appeared before the Commission. Laura Monick presented a brief background. The Commission then reviewed the outside audit of the endowment care trust and preneed merchandise and services trust performed by an outside certified public accountant as required by ORC Chapter 4767. The Commission also heard testimony from Mr. Royal. Upon review of all the information presented, Robert Winter moved to accept the independent auditor's report and approved the Superintendent to issue a new cemetery operator registration. Scott Harmon seconded the motion, which passed unanimously.

IV. Audits

Rufus Slade recused himself from the meeting.

Greencastle Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor. Scott Harmon moved, in the audit of Greencastle Cemetery and based upon the findings of the auditor, that the Superintendent refer the cemetery operator to the prosecuting attorney of Montgomery County for possible falsification of Endowment Care Trust Annual Reports and Affidavits filed with the Division from 2012 – 2014 and for possible falsification of the Endowment Care Trust Annual Report filed with the Division in 2016. It was also moved that the Superintendent refer alleged violations of failing to properly follow the requirements of O.R.C. 1721.21 with respect to maintaining an Endowment Care Trust account for Greencastle Cemetery. The Commission requested that the prosecuting attorney initiate such proceedings as are deemed appropriate. Kirk Roberts seconded the motion, which passed unanimously.

Rufus Slade returned to the meeting.

Alexander 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. Robert Winter then moved to continue the audit until the July meeting but the audit may be closed if proof of bonding is provided by the cemetery operator prior to July. Scott Harmon seconded the motion, which passed unanimously.

Fairview Cemetery, Galion

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. The Commission also reviewed the payment plan proposed by the cemetery association. Scott Harmon then moved to accept the monthly payment plan with quarterly deposits of \$258.80 made on March 31, 2017; June 30, 2017; September 30, 2017 and December 31, 2017 with the audit open until proof of all deposits has been received. Once the Division has received proof of the four payments the Division may close the audit. Jay Russell seconded the motion, which passed unanimously.

V. Other Business

Review of Annual Report

Discussion began on the draft annual report. Jack Lee-Harris then moved to approve the draft annual report. C. Thomas Pfeifer seconded the motion, which passed unanimously.

5-year Rule Review

The Commission reviewed the proposed changes to Ohio Administrative Code 1301:01 that were provided by Laura Monick. Jay Russell 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. Robert Winter seconded the motion, which passed unanimously.

Open Meetings & Public Records Training by Assistant Attorney General Christie Limbert

Christie Limbert presented information on open meetings and public records related to the Commission's duties.

VI. Adjournment

Kirk Roberts moved to adjourn. C. Thomas Pfeifer seconded the motion, which passed unanimously.