



The Ohio Cemetery Dispute Resolution Commission Agenda

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

September 14, 2017
10:00 a.m.

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

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.

Election of officers:

Election of Chairperson: Jay Russell nominated Rufus Slade. Kirk Roberts seconded the nomination. Rufus Slade's nomination passed unanimously.

Election of Vice Chairperson: C. Thomas Pfeifer nominated Robert Winter. Rufus Slade seconded the nomination. Robert Winter's nomination passed unanimously.

Election of Secretary: Jay Russell nominated Thomas Thompson. C. Thomas Pfeifer seconded the nomination. Thomas Thompson's nomination passed unanimously.

Appointments to the Crematory Review Board: Rufus Slade, Jack Lee-Harris and C. Tomas Pfeifer were appointed to the Crematory Review Board.

Approval of Minutes: The minutes from the July 20, 2017 Ohio Cemetery Dispute Resolution Commission meeting were reviewed. Scott Harmon moved to approve the minutes. Jay Russell seconded the motion, which passed unanimously.

Superintendent's Report: Kimberley Wells presented the report on behalf of Superintendent Petit. She began the report reviewing the high number of telephone calls due to the Division's project of updating Political Subdivisions' contact information. Ms. Wells also updated the Commission on 5-year rule review; the amended rules were effective September 7th and the no change rules are scheduled for the upcoming JCARR agenda.

Assistant Attorney General Christy Limbert then updated the Commission on the Board of Embalmers and Funeral Directors' decision regarding the Crematory Review Board's report. David Ingram, the Board of Embalmers and Funeral Directors' new Executive Director, was introduced as well as Jon Rettig, the Board's President. They answered the Commission's questions on the crematory education laws that are going into effect.

II. Old Business

Jack Lee-Harris recused himself from the meeting.

Case No. 2017-157 Nancy Duer MacWherter vs. Northlawn Memorial Gardens

Laura Monick presented the case to the Commission. The Commission previously moved to close the case pending notification from Ms. MacWherter that the monument was returned and the refund received. After numerous attempts to reach Ms. MacWherter with no response, Robert Winter moved to close the case. Thomas Thompson seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting.

Obetz 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. C. Thomas Pfeifer then moved to continue the audit until the December meeting and offered a final opportunity for the cemetery to fully comply the recommendations of the audit and with O.R.C. 1721.211. If Obetz Cemetery Association failed to cure this violation by the deadline, the Commission would have no choice but to refer this matter for criminal prosecution. It was also moved to close the audit should Obetz Cemetery Association provide proof of compliance prior to the December meeting. Scott Harmon seconded the motion, which passed unanimously.

Alexander Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor. The audit found that Alexander Cemetery has failed to properly follow the requirements of O.R.C. 1721.21 and that the cemetery was duly informed of this conduct and was provided multiple opportunities to comply with the recommendations set forth in the compliance audit report. The Commission previously heard this audit review at the March 23, 2017 meeting and the July 20, 2017 meeting. Therefore, the Commission offered a final opportunity for Alexander Cemetery to comply. Jack Lee-Harris moved to continue the audit until the December meeting for Alexander Cemetery to fully comply the recommendations of the audit and with O.R.C. 1721.21 and if Alexander Cemetery fails to cure this violation by the deadline, the Commission will have no choice but to refer this matter for criminal prosecution. Kirk Roberts seconded the motion, which passed unanimously.

III. New Business

Kirk Roberts recused himself from the meeting.

Meigs Memory Gardens Outside Audit Review

Jeff Roberts appeared before the Commission. Laura Monick presented a brief background. The Commission reviewed the request to issue a new cemetery operator registration to Anderson McDaniel Funeral Home for Meigs Memory Gardens. The Commission reviewed the outside audit of the endowment care trust and preneed merchandise and services trust performed by a certified public accountant as required by ORC Chapter 4767. Upon review of all the information presented, Robert Winter moved to accept the independent auditor's reports and approved the Superintendent to issue a new cemetery operator registration and

to authorize External Auditor Kelly Neer to conduct an in-person Division audit of Meigs Memory Gardens with Mr. Anderson and Mr. McDaniel. Scott Harmon seconded the motion, which passed unanimously.

Kirk Roberts returned to the meeting. Rufus Slade recused himself from the meeting.

Case No. 2017-316 Lois Williams vs. Greencastle Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from Ms. Williams that she was provided with the location of her niece's burial. Upon notice that Ms. Williams was satisfied, C. Thomas Pfeifer moved to close the case. Jay Russell seconded the motion, which passed unanimously.

Rufus Slade returned to the meeting.

Case No. 20147-331 Darlene Manolukas vs. Belmont Park Cemetery; Case No. 2017-363 Dan & Daisy Mirjanich vs. Belmont Park Cemetery; Case No. 2017-373 Radmila Stanic vs. Belmont Park Cemetery

Laura Monick presented the cases to the Commission. The Commission reviewed the information received from Darlene Manolukas, the Mirjanichs, the cemetery and also heard the testimony of Mr. & Mrs. Stanic. Discussion commenced on the location and elevation of the Sunrise Section, the location of the drainage as well as the beginning and end of the drainage, the possibility of damaged tiles and where the drainage is in conjunction to interments.

Scott Harmon then moved to continue the cases to the December meeting with the following recommendations: that prior to December the complainants meet with the cemetery's Superintendent so that he can show them where the drainage tiles are and where the water drains to and that External Auditor Kelly Neer visit the cemetery during a dry period to inspect the section for water. It was also moved to authorized the Superintendent to subpoena the cemetery to appear at the December meeting and to bring documents relating to the drainage system to include any existing mapping of the drainage located in and around the Sunrise Section and the lot map for the Sunrise Section reflecting interments in the section. Kirk Roberts seconded the motion, which passed unanimously.

Jack Lee-Harris recused himself from the meeting.

Case No. 2017-389 Steve Sloan vs. Green Lawn Cemetery

Steve Sloan appeared before the Commission. The Commission reviewed the information received from the cemetery and heard Mr. Sloan's testimony. The Commission discussed the contractual terms and the cancellation paragraph of Ohio Revised Code Section 1721.211. Robert Winter then moved to close the case with the recommendation that the cemetery refund the \$594.00 originally offered and refund the \$195.00 processing fee; for a total refund of \$789.00. Kirk Roberts seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting. Kirk Roberts recused himself from the meeting.

Crawford County Memorial Gardens, Ridgecrest Memory Gardens and Oak Grove Memorial Park Outside Audit Review

Laura Monick presented a brief background. The Commission reviewed the request to issue a new cemetery operator registration to Bronze Stone Group for Crawford County Memorial

Gardens, Ridgecrest Memory Gardens and Oak Grove Memorial Park. The Commission reviewed the outside audits of the endowment care trusts and preneed merchandise and services trusts performed by a certified public accountant as required by ORC Chapter 4767. Upon review of all the information presented, Scott Harmon moved to accept the independent auditor's reports and approved the Superintendent to issue a new cemetery operator registration. Jay Russell seconded the motion, which passed unanimously.

Kirk Roberts returned to the meeting.

IV. Audits

North Canton 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. Scott Harmon then moved to close the audit with the finding that the cemetery is now in compliance. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Burlington Green Lawn

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the failure of the cemetery to attempt to come into compliance with O.R.C. 1721.21. Robert Winter then moved to continue the audit to the December meeting to allow the cemetery until November 13, 2017 to produce all documents requested as part of the audit process and to comply with O.R.C. 1721.21 and if the cemetery fails to comply by the deadline, the Commission also authorized the Superintendent to subpoena the cemetery to appear at the December meeting and to bring all documents requested during the audit process. Jay Russell seconded the motion, which passed unanimously.

V. Other Business

None.

VI. Adjournment

Scott Harmon moved to adjourn the meeting. Thomas Thompson seconded the motion, which passed unanimously.