



THE OHIO CEMETERY DISPUTE RESOLUTION COMMISSION

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

**July 12, 2018
10:00 a.m.**

PRESENT: Rufus Slade, Chair; Holly Hollingsworth; Jack Lee-Harris; C. Thomas Pfeifer; Jay Russell; Thomas Thompson; Anne M. Petit, Superintendent; Laura Monick, Registration and Resolution Section Chief; Kelly Neer, External Auditor; and Christie Limbert, Assistant Attorney General.

EXCUSED: Scott Harmon; Kirk Roberts and Robert Winter

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 Scott Harmon, Kirk Roberts and Robert Winter who were excused.

Approval of Minutes: The minutes from the December 7, 2017 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed. Jay Russell moved to approve the minutes. Thomas Thompson seconded the motion, which passed unanimously.

The minutes from the March 22, 2018 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed. Thomas Thompson moved to approve the minutes. Jay Russell seconded the motion, which passed unanimously.

Superintendent's Report: Superintendent Petit began her report discussing the number of actively registered cemeteries. As of June 30, 2018, there were 4,153 active cemeteries registered with the Division compared to 688 cemeteries in 2008. Superintendent Petit also noted that with the increased outreach and by becoming more open and accessible the number of emails received in the most recent quarter of 2018 was 229 compared to 8 emails in the same quarter in 2008. Superintendent Petit also introduced Holly Hollingsworth as the newest appointment to the Commission. It was also announced that House Bill 168 passed the Senate and was waiting for the Governor's signature. The house bill includes many of the Ohio Cemetery Law Task Force's recommendations including a grant program, a definition of "human remains", the ability for the Division to open complaints against unregistered cemeteries that should be register, reasonable cemetery maintenance standards and adding the Uniform Prudent Investor Act to the trust laws.

Jack Lee-Harris moved to accept the Superintendent's report. Thomas Thompson seconded the motion, which passed unanimously.

II. Old Business

Jack Lee-Harris recused himself from the meeting.

Case No. 2017-421 Lisa Holmes Singer vs. Crown Hill Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from both parties and noted that Ms. Singer was refunded \$145.00. C. Thomas Pfeifer then moved to close the case with no further action. Jay Russell seconded the motion, which passed unanimously.

Jack Lee-Harris returned the meeting.

Hallsville 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. Jay Russell then moved to close the audit. Thomas Thompson seconded the motion, which passed unanimously.

III. New Business

Jack Lee-Harris recused himself from the meeting.

Case No. 2018-5 Susan Farrar vs. Crown Hill Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from the parties. They also reviewed the most recent pictures of the grave. The Commission discussed that it is very difficult to grow either sod or seed from May 31st until October and that their cemeteries typically do not attempt to do so until late October. The Commission believes that the cemetery has made an effort to repair the grave and that the cemetery did a nice job laying the sod. C. Thomas Pfeifer then moved to continue the case to the December meeting to provide the cemetery time to re-sod or seed later in the year and to rectify the situation. Jay Russell seconded the motion, which passed unanimously.

Case No., 2018-138 Jo Ann Hamilton vs. Green Lawn Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from both parties. The Commission discussed the failure to timely install the bench and the request for a refund from the cemetery. The Commission noted that the bench is now properly installed, that common industry practice is to offer either a refund or installation of a memorial, not both. Rufus Slade then moved to close the case. Thomas Thompson seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting.

Case No. 2018-247 Kimberly Gertman vs. Evergreen Burial Park

Kimberly Gertman and Thor Triplett appeared before the Commission. The Commission heard testimony from both parties and reviewed the pricing sheets submitted by both parties. The Commission discussed that it is common practice for a cemetery to charge both an installation fee for outside stones and a footer fee and that the fees charged by Evergreen Burial Park were within reason. The Commission noted that the bench was installed after the quoted price of \$350 for the installation fee and a reduced footer fee of \$354.24 was provided to Ms. Gertman. Rufus Slade then moved to

close the case with the finding that there were no issues with the pricing and the final pricing was quoted to Ms. Gertman. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Case No. 2018-151 Marcus Caudill vs. Baltimore Pike Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information from both parties. The Commission discussed that the cemetery staff received additional training and that the complainant and his aunt have been notified as to the process of assigning the graves. Rufus Slade then moved to close the complaint. Jay Russell seconded the motion, which passed unanimously.

Case No. 2018-131 Carlton & Michelle Randall vs. Fairmount Cemetery

Carlton and Michelle Randall appeared before the Commission. The cemetery was represented by Attorney Matthew Kentner, Melissa and David Hefner, and James and Ruth Hardin. The Commission heard testimony from both the complainants and cemetery representatives. Discussion revolved around issues such as the mowing, maintenance, enforcement of the rules and regulations, and the association by-laws and meetings. The association by-laws were provided to the Randalls at the Commission meeting. The cemetery representatives noted that the rules and regulations are going to be updated at the next association meeting and will be placed on signs at all entrances and at the building on-site in the cemetery. The cemetery requested that the Randalls follow the rules and regulations and allow the employees to do their work. The Randalls requested they be sent the new rules and regulations when they are available. Rufus Slade then moved to continue the case to the December meeting to allow time for the new rules and regulations to be provided to the Randalls. Thomas Thompson seconded the motion, which passed unanimously.

Case No. 2018-343 Sylvester Coleman vs. Woodlawn Cemetery

Laura Monick presented the case to the Commission. The Commission was notified that the parties had reached a satisfactory resolution the day before the meeting. Thomas Thompson then moved to close the case. Jack Lee-Harris seconded the motion, which passed unanimously.

Case No. 2018-344 Roy Boyes vs. Woodlawn Cemetery

Roy Boyes and Director of Public Safety Matthew Hiscock appeared before the Commission. The Commission heard testimony from both parties. Discussion revolved around the actual fireworks shoot site in the cemetery, other venues considered for the shoot site and whether or not there is advertising that the cemetery will be closed for the day. Mr. Boyes suggested looking at a location behind the water treatment plant for a future shoot site. The Commission recommended that the Cemetery Board allow Mr. Boyes to appear at a future meeting to discuss placing signs in the cemetery 30-60 days prior to the event notifying the public that the cemetery will be closed. Rufus Slade then moved to close the case. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Case No. 2018-348 Nancy Ohde vs. Wesley Chapel Cemetery

Nancy Ohde, Township Administrator Jamie Fisher and Cemetery Sexton Robbie Thomas appeared before the Commission. The Commission heard the testimony of both parties. Discussion revolved around the fact that the previous cemetery sexton permitted individuals to reserve graves even though the rules and regulations did not permit it and the trustees were not aware of the practice; that names of individuals reserving spaces were recorded in township documents; that Mrs. Ohde was permitted to place a gravestone that is centered over both her husband's grave and her reserved grave; and that only one other individual had reserved a grave where a headstone has already been placed. The Commission also noted that the trustees properly advertised the rate increases in the newspaper and properly updated their rules and regulations to specifically state reserving graves is not permitted.

C. Thomas Pfeifer then moved to close the complaint with the recommendation that the township trustees and Mrs. Ohde come up with an agreeable plan that would enable Mrs. Ohde to keep her grave space and Mrs. Ohde reach out to the Assistant County Prosecutor that represents the township. Thomas Thompson seconded the motion, which passed unanimously.

IV. Audits

Reedsburg Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor, the actions taken by the cemetery to come into compliance and the letter from Attorney John E. Johnson. C. Thomas Pfeifer then moved to close the audit with the recommendation that the \$50,000.00 deposit is sufficient to be in compliance with the endowment care trust law. Jack Lee-Harris seconded the motion, which passed unanimously.

Ferncliff 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. Jack Lee-Harris then moved to close the audit. Thomas Thompson seconded the motion, which passed unanimously.

Ridge Hill 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 close the audit. Jay Russell seconded the motion, which passed unanimously.

Athens Memory Gardens

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor. Discussion focused on the outstanding installment payment contracts from American Cemetery Services that need to be transferred to Hocking Hills Cemetery and Cremation Services. The Division has yet to receive documentation confirming all appropriate amounts have been transferred to the new operator and deposited into the trusts. Rufus Slade moved to continue the audit to the September meeting and authorized the Superintendent to issue a subpoena to the cemetery operator to appear at the meeting and produce the documentation requested during the audit. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Pilger Ruhe 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 close the audit. Thomas Thompson seconded the motion, which passed unanimously.

Middle Church 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 close the audit. Jay Russell seconded the motion, which passed unanimously.

V. Other Business

Failure to Renew

Laura Monick presented twenty-seven cemeteries that failed to file their annual registration. The Commission was informed that the cemeteries listed in Exhibit A were contacted by Division staff and that there was renewal paperwork pending processing. Based upon those findings, Rufus Slade moved that, pursuant to Revised Code 4767.08(A), the Commission requests the prosecuting attorney of the county in which the alleged violations of Revised Code 4767.02(A) occurred initiate such proceedings as are appropriate if any of the cemeteries listed in Exhibit A have failed to file their complete renewal paperwork by July 31, 2018. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Exhibit A

Operator Registration	Cemetery Operator	Cemetery	County
CEO.2015005551	Trustees of The Springdale Cemetery Assn	Springdale Cemetery	Butler
CEO.2015005581	Burlington Green Lawn Cemetery Assn	Burlington Green Lawn	Lawrence
CEO.2015005712	Muskingum Valley Baptist Church	Muskingum Valley Baptist Church Cemetery	Washington
CEO.2016000683	New Market Cemetery Assn	New Market Cemetery	Highland
CEO.0000000652	Alexander Cemetery, Inc.	Alexander Cemetery	Athens
CEO.2016001495	Friends Cemetery Assn	Friends Cemetery	Knox
CEO.2016003720	St. Paul's RCA & St. Mark's Lutheran Church	Evangelical Protestant Cemetery	Van Wert
CEO.2016004384	Alum Creek Evangelical Friends Church	Alum Creek Evangelical Friends Cemetery	Morrow
CEO.2016004747	Fredericktown Forest Cemetery Assn	Fredericktown Forest Cemetery	Knox
CEO.2017000149	Herrington Bethel UMC	Herrington Bethel UMC Cemetery	Carroll
CEO.2017003875	Pleasant Hill Cemetery Assn	Pleasant Hill Cemetery	Muskingum
CEO.2017006084	Eastern Cemetery Assn	Eastern Cemetery	Noble
CEO.0000001636	First St. John Lutheran Cemetery	First St. John Lutheran Cemetery	Lucas
CEO.0000001198	Fry's Valley Moravian Church	Fry's Valley Cemetery	Tuscarawas
CEO.0000000217	Kilgore United Meth. Church, Trustees	Kilgore United Methodist Church of Kilgore	Carroll
CEO.2003003065	Obetz Cemetery Assn	Obetz Cemetery	Franklin
CEO.0000001622	Pleasant View Mennonite Church	Pleasant View Mennonite Church Cemetery	Mahoning
CEO.0000001211	St Paul Lutheran Cemetery	St. Paul Lutheran Church Cemetery	Franklin
CEO.2004013403	St. Peter Lutheran Board of Trustees	St. Peter Lutheran Church Cemetery	Butler
CEO.2012000310	Sam and Sarah Weaver	Weaver Cemetery	Ashland
CEO.2012002258	Trustee's of Little Ettie Church of Old Regular Baptist	Little Ettie Cemetery	Pike
CEO.2012002723	Hocking Hills Mennonite Church Trustee's	Hocking Hills Mennonite Church Cemetery	Hocking
CEO.2014000516	Augusta Cemetery Assn	Augusta Cemetery	Carroll
CEO.2014003160	Greenford Evangelical Lutheran Church	Greenlawn Cemetery	Mahoning
CEO.2014004274	Oakwood Cemetery Assn	Oakwood Cemetery	Trumbull
CEO.2015001129	Christ Memorial Church	Robertsville/Christ Memorial Church Cemetery	Stark
CEO.2018000150	Providence Cemetery Assn	Providence Cemetery	Gallia

Review of Minimum Maintenance Guidelines

Rufus Slade moved to continue the discussion of the minimum maintenance guidelines to the September meeting. C. Thomas Pfeifer seconded the motion, which passed unanimously.

VI. Adjournment

Thomas Thompson moved to adjourn. Holly Hollingsworth seconded the motion, which passed unanimously.