



The Ohio Cemetery Dispute Resolution Commission Meeting Minutes

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

September 13, 2018
10:00 a.m.

PRESENT: Robert Winter, Vice-Chair; Scott Harmon, Holly Hollingsworth, Jack Lee-Harris, C. Thomas Pfeifer, Kirk Roberts, 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: Rufus Slade

I. Preliminary Matters

Roll Call: Vice Chairperson Robert Winter called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except for Rufus Slade who was excused.

Election of officers:

Election of Chairperson: C. Thomas Pfeifer nominated Rufus Slade. Jay Russell seconded the nomination. Rufus Slade's nomination passed unanimously.

Election of Vice Chairperson: Jack Lee-Harris nominated Robert Winter. Jay Russell seconded the nomination. Robert Winter's nomination passed unanimously.

Election of Secretary: Jay Russell nominated Holly Hollingsworth. Thomas Thompson seconded the nomination. Holly Hollingsworth'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 12, 2018 Ohio Cemetery Dispute Resolution Commission meeting were reviewed. Scott Harmon moved to approve the minutes. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Superintendent's Report: Superintendent Petit began her report discussing the number of newly registered cemeteries. Since the beginning of the year, 61 cemeteries became registered for the first time. Superintendent Petit then discussed Substitute House Bill 168 which has an effective date of October 29th. The Division held an initial stakeholder meeting to discuss the grant program created by the bill. Rules laying out the details of the grant program are being worked on based upon initial feedback. The most discussed topic was whether there would be a limit or cap on each grant. The superintendent then noted that there has been a rise in media stories on cemeteries.

II. Old Business

Athens Memory Gardens

Kelly Neer presented the audit to the Commission. Kevin Schwarzel appeared on behalf of the cemetery. The Commission discussed the findings and recommendations of the auditor. Discussion with Mr. Schwarzel focused on the outstanding installment payment contracts from American Cemetery Services. Scott Harmon moved to continue the audit to the December meeting to allow time for Hocking Hills Cemetery and Cremation Services to resolve the matter with American Cemetery Services. Jay Russell seconded the motion, which passed unanimously. Kirk Roberts abstained from the vote.

III. New Business

Case No. 2018-366 June Borgmann vs. Vine Street Hill Cemetery

Laura Monick presented the case to the Commission. Terese Marshall appeared on behalf of the cemetery. The Commission reviewed the information received from the complainant, heard testimony from Ms. Marshall and reviewed the pictures sent in by both parties. The Commission discussed that it has been a difficult year for mowing due to the weather and that the cemetery is exceeding the minimum maintenance guidelines. The Commission also discussed the cemetery's policy to not use machinery in a section and adjoining sections where there is a service in progress. The Commissioners made recommendations concerning the possible creation of an herbicide program. It was noted that the Commission does not have the authority to order damages and that the cemetery has not done anything wrong. C. Thomas Pfeifer moved to close the case with no further action. Jay Russell seconded the motion, which passed unanimously. It was noted that should there be any additional concerns in the future the complainant may file another complaint.

Case No. 2018-381 Sherry White vs. Fairview Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from the complainant and cemetery and reviewed the pictures sent in by both parties. The Commission discussed that it has been a difficult year for mowing due to the wet weather and that the cemetery has since taken care of the high grass. Scott Harmon then moved to close the case with no further action. Jack Lee-Harris seconded the motion, which passed unanimously.

Case No. 2018-420 Teresa Armstrong vs. Fairview Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from the complainant and cemetery and reviewed the pictures sent in by both parties. The Commission discussed that it has been a difficult year for mowing due to the wet weather and that the cemetery has since taken care of the high grass. Scott Harmon then moved to close the case with no further action. Jack Lee-Harris seconded the motion, which passed unanimously.

IV. Audits

CMS East

Kelly Neer presented the audit to the Commission. Joe McNemar and Jude Abraham appeared on behalf of the operator. The Commission discussed the findings and recommendations of the auditor and spoke with the cemetery representatives. Kirk Roberts moved to continue the audit to the December meeting to allow time for CMS East to comply with the audit recommendations. C. Thomas Pfeifer seconded the motion, which passed unanimously.

V. Other Business

Jack Lee-Harris recused himself from the meeting.

Executive Session:

Robert Winter moved for the Commission enter into executive session pursuant to R.C. 121.22(G)(3) for a conference with the Commission's attorney concerning disputes involving the Commission that are the subject of pending court action. The Commission invited the following people into executive session: Superintendent Anne Petit, Laura Monick, Kelly Neer and Christie Limbert as litigation counsel for the Commission. Jay Russell seconded the motion. A roll call vote was held:

Scott Harmon – yes
Holly Hollingsworth – yes
C. Thomas Pfeifer – yes
Kirk Roberts – yes
Jay Russell – yes
Thomas Thompson – yes
Robert Winter – yes

The Commission moved into executive session at 11:07 a.m. and returned to the meeting at 11:20 a.m.

Jack Lee-Harris returned to the meeting.

2019 Meeting Dates:

The Commission unanimously moved to accept the meeting dates of March 21st, June 13th, October 10th and December 12th.

Review of Minimum Maintenance Guidelines:

Discussion began regarding the minimum maintenance guidelines. The Commissioners discussed the number of times per year a cemetery should trim and what might be reasonable. Robert Winter moved that the first two bullet points under the topic grounds and structures should be combined to read "cut grass and trim around markers and/or monuments...". Thomas Thompson seconded the motion, which passed unanimously. The process for removal of flowers was also considered and whether cemeteries should place signs or advertising for pick-up schedules. It was then noted that the guidelines already provide that rules regarding flowers and decorations should be posted at the cemetery. Jay Russell moved to add the definition of human remains pursuant to the new language in Sub. H.B. 168. Holly Hollingsworth seconded the motion, which passed unanimously. The Commission then discussed green burial locations and how graves are pinned and located. They requested the Division investigate how Ohio's green burial cemeteries handle pinning graves. C. Thomas Pfeifer then moved to accept the minimum maintenance guidelines as revised. Scott Harmon seconded the motion, which passed unanimously.

VI. Adjournment

Jay Russell moved to adjourn the meeting. Holly Hollingsworth seconded the motion, which passed unanimously.