



**Department
of Commerce**

Division of Real Estate &
Professional Licensing
John R. Kasich, Governor
David Goodman, Director

**MINUTES OF THE MEETING OF THE
OHIO CEMETERY DISPUTE RESOLUTION COMMISSION**

**Division of Real Estate & Professional Licensing
77 S. High Street, 31st Floor, Hearing Room East B
Columbus, Ohio 43215-6133**

**September 23, 2010
10:00 a.m.**

PRESENT: Thomas Kayati, Chairperson, David Shanteau, Vice Chair; Joseph Kun, Secretary; Marilyn Brandt, Richard Finn, James Wright; Natalie Doan, Division Chief Legal Counsel; Laura Monick, Division Legal Counsel and Theodore J. Hornyak, Investigator.

ABSENT: Robert Shenefield

I. Preliminary Matters:

Roll Call: Chairperson Richard Finn called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except Robert Shenefield.

Election of Officers: James Wright moved to elect Thomas Kayati as Chairperson. David Shanteau seconded the motion, which passed unanimously. Thomas Kayati moved to elect David Shanteau as Vice Chairperson. Marilyn Brandt seconded the motion, which passed unanimously. James Wright moved to elect Joseph Kun as Secretary. Thomas Kayati seconded the motion, which passed unanimously.

Approval of Minutes: The minutes of the June 17, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. David Shanteau moved to approve the minutes. Richard Finn seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received six complaints during the quarter. 16 complaints are open. The Division handled 267 phone calls, 2 email queries, and mailed 21 complaint forms. 3,517 cemeteries are currently registered with the Division.

New Division Chief Legal Counsel Natalie Doan was introduced to the Commission.

No appointments to fill OCDRC vacancies have yet been announced.

Theodore Hornyak will give a presentation on cemetery regulations and the OCDRC at the Bedford Historical Society on September 24. Mr. Hornyak was also asked to give a presentation at the annual meeting of Catholic Cemeteries of Ohio in October.

II. Old Business:

Royal Oak Memorial Gardens, Montgomery County and Heritage Hills Memory Gardens, Warren County

Theodore Hornyak updated the Commission on the status of the transfer of operation of Royal Oak Memorial Gardens and Heritage Hills Memory Gardens to StoneMor Partners, LP.

Case No. 2010-122 Alan Oppenheim vs. Zion Memorial Park Cemetery – Cuyahoga Co. - Registration 983285

Neither party attended the meeting. Theodore Hornyak reported that the attorneys for both parties requested more time to work out an agreement. Marilyn Brandt moved to leave the complaint open to the next meeting. James Wright seconded the motion, which passed unanimously.

III. New Business

Expired Cemetery Registrations

Cincinnati Cremation Company – Hamilton County
Floral Hills Memory Gardens – Pickaway County
Floral Hills Memory Gardens – Ross County
Ohio Valley Memory Gardens – Gallia County

Richard Finn moved to request that the prosecuting attorney of the counties in which the alleged violations ORC Section 4767.02(A) occurred initiate such proceedings as are appropriate. Marilyn Brandt seconded the motion, which passed unanimously.

Case No. 2010-277 Henrietta Salyers vs. Saint Peter Cemetery - Scioto Co. – Registration 982585

Richard Finn recused himself from the meeting. The complainant did not attend the meeting. Theodore Hornyak presented the complaint to the Commission. Joseph Yoakum spoke on behalf of the cemetery operator. David Shanteau moved to close the complaint with the recommendation that if additional evidence is discovered to demonstrate that property was purchased by the family, the complainant could bring another complaint to the Commission. Joseph Kun seconded the motion, which passed unanimously.

Richard Finn rejoined the meeting.

**Case No. 2010-328 Barbara Hall vs. Fairview Memorial Park – Delaware Co -
Registration 982685**

Barbara Hall presented her complaint to the Commission. Ted Martin spoke on behalf of the cemetery operator. David Shanteau moved to close the complaint after the parties agreed that the cemetery operator would install vases at no cost. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2010-358 Rett Brooks vs. Oakwood Cemetery Association – Crawford Co. –
Registration 980473**

Rett Brooks presented her complaint to the Commission. Douglas Hoover spoke on behalf of the cemetery operator. Joseph Kun moved to discuss the complaint in Executive Session. Marilyn Brandt seconded the motion, which passed unanimously. Richard Finn moved to come out of Executive Session. Marilyn Brandt seconded the motion, which passed unanimously. The Commission issued the following statement:

“With the evidence provided we cannot, nor do we have the authority to, determine the ownership of this grave. We recommend to the cemetery that they begin using purchase agreements and/or contracts to alleviate this situation in the future. The complainant should seek legal counsel concerning the ownership dispute. The only other solution is for the cemetery operator to contact Alan Young for permission to place the marker.”

Marilyn Brandt moved to close the complaint. James Wright seconded the motion, which passed unanimously.

**Case No. 2010-459 Sandra Dian Levine vs. United Jewish Cemeteries (Montgomery) –
Hamilton Co. – Registration 982765**

Neither party attended the meeting. Theodore Hornyak reported that that the complainant was satisfied that the cemetery operator credited \$1,895.00 to her account. Marilyn Brandt moved to close the complaint. James Wright seconded the motion, which passed unanimously.

**Case No. 2010-461 Kimberly Baker vs. Floral Hills Memory Gardens – Ross Co. –
Registration 980717**

Neither party attended the meeting. Theodore Hornyak reported that that the complainant’s marker was ordered and should arrive in a couple of weeks. Richard Finn moved to leave the complaint open pending the installation of the marker. James Wright seconded the motion, which passed unanimously.

**Case No. 2010-525 Robert Graham vs. Knollwood Cemetery – Cuyahoga Co. –
Registration 980445**

James Wright recused himself from the meeting.

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator cancelled his contract and provided him with a refund in the amount of \$2,195. Richard Finn moved to close the complaint. David Shanteau seconded the motion, which passed unanimously.

**Case No. 2010-532 Richard Kohagen vs. Knollwood Cemetery – Cuyahoga Co. –
Registration 980445**

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator cancelled his contract and provided him with a refund in the amount of \$1,200. David Shanteau moved to close the complaint. Richard Finn seconded the motion, which passed unanimously.

James Wright rejoined the meeting.

IV. Other Business

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, December 16, 2010 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

V. Adjournment

Marilyn Brandt moved to adjourn the September 23, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission. James Wright seconded the motion, which passed unanimously.