



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

December 15, 2011
10:00 a.m.

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PRESENT: David Shanteau, Chair; James Wright, Vice Chair; Marilyn Brandt; Phyllis Byard; Rufus Slade; Robert Winter; Laura Monick, Division Legal Counsel; and Theodore J. Hornyak, Investigator.

ABSENT: Joseph Kun.

I. Preliminary Matters:

Roll Call: Chairperson David Shanteau called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except Joseph Kun.

Approval of Minutes: The minutes of the September 20, 2011 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Phyllis Byard moved to approve the minutes. Marilyn Brandt seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received six complaints during the quarter. Nine complaints are open. The Division handled 210 phone calls, no email inquiries, and provided eight complaint forms. 3,530 cemeteries are currently registered with the Division.

New Commissioners Rob Winter and Rufus Slade were introduced to the Commission.

James Wright spoke about the Crematory Review Board and the possibility of some organizational changes.

Review Minimum Maintenance Guidelines - Retention of cemetery records

The Commission reviewed and discussed the Minimum Maintenance Guidelines. Legal Counsel Laura Monick advised that she will follow up with recommended language at the next meeting.

II. Old Business:

**Case No. 2010-738 Olive Diane Derifield vs. St. Peter Cemetery - Scioto Co. –
Registration 982585**

Neither party attended the meeting. Theodore Hornyak reported that the parties reached an agreement. Marilyn Brandt moved to close the complaint. James Wright seconded the motion, which passed unanimously.

**Case No. 2011-254 Clara Tighe vs. Meadow Green Memorial Park – Erie Co. –
Registration 983177**

Neither party attended the meeting. Theodore Hornyak reported that the parties reached an agreement. Phyllis Byard moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously.

III. New Business

**Case No. 2011-360 Robert Gramer vs. Dayton Memorial Park Cemetery –
Montgomery Co. – Registration 982798**

Neither party attended the meeting. Theodore Hornyak reported that the complainant accepted the cemetery operator's repair of his mother's stone in the mausoleum. James Wright moved to close the complaint. Robert Winter seconded the motion, which passed unanimously.

**Case No. 2011-370 Teresa Stiers vs. Waterford Cemetery – Washington Co. –
Registration 980016**

Neither party attended the meeting. Theodore Hornyak reported that the complainant reserved interment spaces after she was contacted by the cemetery operator. Marilyn Brandt moved to close the complaint. Phyllis Byard seconded the motion, which passed unanimously.

**Case No. 2011-453 Howard Samples vs. Rose Hill Burial Park (Hamilton) – Butler
Co. – Registration 981256**

Howard Samples presented his complaint to the Commission. Terry Bird and Mark Ivey spoke on behalf of the cemetery operator. The Commission suggested several resolutions. Marilyn Brandt moved to close the complaint. Phyllis Byard seconded the motion, which passed unanimously.

Case No. 2011-482 Woodford Spencer vs. Heritage Hills Memory Gardens – Warren Co. – Registration 983193

David Shanteau recused himself from the meeting. Woodford Spencer and Melissa Elam presented the complaint to the Commission. Marilyn Brandt motioned to leave the complaint open to the next meeting and recommended that the cemetery operator plot out, stake and measure each of the grave spaces with the complainant present and make sure that the vases are replaced to the family's satisfaction. Robert Winter seconded the motion, which passed unanimously. David Shanteau rejoined the meeting.

Case No. 2011-513 Lewis Fry vs. Plainview Cemetery – Clermont Co. – Registration 982116

Theodore Hornyak presented the complaint to the Commission. Jason Browning spoke on behalf of the cemetery operator. James Wright moved to closed the complaint after stating that the Commission had reason to believe that the complainant's sister was interred in one of the four graves and he can place a monument within the vicinity. Robert Winter seconded the motion, which passed unanimously.

IV. Other Business

The 2012 Ohio Cemetery Dispute Resolution Commission meetings are scheduled for March 22, June 28, September 20 and December 13 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

V. Adjournment

David Shanteau moved to adjourn the December 15, 2011 meeting of the Ohio Cemetery Dispute Resolution Commission. Marilyn Brandt seconded the motion, which passed unanimously.