



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

March 22, 2012
10:00 a.m.

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

ABSENT: None.

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.

Approval of Minutes: The minutes of the December 15, 2011 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Marilyn Brandt moved to approve the minutes. Rufus Slade seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received six complaints during the quarter. Ten complaints are open. The Division handled 196 phone calls, no email inquiries, and provided three complaint forms. 3,530 cemeteries are currently registered with the Division.

New Commissioners Tony Hughes was introduced to the Commission.

Theodore Hornyak updated the Commission on Floral Hills Cemetery in Ross County. Mr. Hornyak reported that the cemetery operator plead guilty to a violation under ORC Section 4767.02 in Chillicothe Municipal Court for not properly registering the cemetery. The operator received probation and was ordered to make monthly payments into the trusts through the probation department. The Ohio Attorney General also filed a civil complaint against the operator for failing to provide goods to customers.

Assistant Attorney General Keith O'Korn addressed the Commission.

2011 Annual Report - ORC Section 4767.06(D): Theodore Hornyak presented the 2011 Annual Report to the OCDRC. James Wright moved to accept the Annual Report as submitted. Marilyn Brandt seconded the motion, which passed unanimously.

II. **Old Business:**

Review Minimum Maintenance Guidelines - Retention of cemetery records: The Commission reviewed and discussed updates to the Minimum Maintenance Guidelines. Marilyn Brandt moved to accept the maintenance guidelines with the suggested changes. Robert Winter seconded the motion, which passed unanimously.

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

Neither party attended the meeting. Theodore Hornyak reported that the cemetery operator marked off and probed graves as recommended by the Commission but not in the presence of the complainant. Mr. Hornyak added that the complainant requested that the Commission leave the complaint open to the next meeting. James Wright moved to leave the complaint open to the next meeting. Marilyn Brandt seconded the motion, which passed unanimously.

I. **New Business**

Case No. 2011-515 Lori Rusnak vs. Brooklyn Heights Cemetery - Cuyahoga Co. – Registration 980910

Neither party attended the meeting. Theodore Hornyak reported that the cemetery operator dismissed the \$280.00 for preparing an interment and refunded the initial purchase price of \$2,245.00 to the estate to the satisfaction of the complainant. James Wright moved to close the complaint. Tony Hughes seconded the motion, which passed unanimously.

Case No. 2011-565 Nancy Mapes vs. Resthaven Memory Gardens – Lorain Co. - Registration 983202

David Shanteau recused himself from the meeting. Nancy Mapes presented her complaint to the Commission. The cemetery operator did not attend the meeting. The Commission recommended that a letter of apology be sent to the complainant from the office of Resthaven Memory Gardens and that the operator review procedures authorizing burials. James Wright moved to close the complaint. Tony Hughes seconded the motion, which passed unanimously. David Shanteau rejoined the meeting.

Case No. 2011-613 Ethel Kandzer vs. Western Reserve Memorial Gardens – Geauga Co - Registration 980693

Neither party attended the meeting. Theodore Hornyak reported that the complainant accepted an exchange of cremation fees for the cost of an opening and closing. Phyllis Byard moved to close the complaint. Tony Hughes seconded the motion, which passed unanimously.

Case No. 2012-17 Janet Burchett vs. Hillcrest Memorial Gardens – Medina Co. – Registration 982357

Janet Burchett presented her complaint to the Commission. The cemetery operator did not attend. Phyllis Byard moved to recommend that the cemetery operator refund the original purchase price of the spaces to the complainant. Tony Hughes seconded the motion, which passed unanimously. Tony Hughes moved to close the complaint. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2012-18 Wanda Arent vs. Wesleyan Cemetery – Hamilton Co. – Registration 983115

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. James Wright moved to close the complaint. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2012-27 Peggie Roberts vs. Roundhead Cemetery – Hardin Co. – Registration 980405

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Robert Winter moved to close the complaint. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2012-98 Kimberly Carter vs. Mount Peace Cemetery – Summit Co. – Registration 980697

Theodore Hornyak presented the complaint to the Commission. Jason Bonomo spoke on behalf of the cemetery operator. The cemetery operator agreed to contact the complainant and arrange to meet with her at the cemetery to show her the exact location of the grave. Marilyn Brandt moved to close the complaint. Phyllis Byard seconded the motion, which passed unanimously.

IV. Other Business

Laura Monick reminded the Commission members that financial disclosure statements are due.

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for June 28, 2012 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 March 22, 2012 meeting of the Ohio Cemetery Dispute Resolution Commission. Rufus Slade seconded the motion, which passed unanimously.