

**MINUTES OF THE MEETING OF THE
OHIO CEMETERY LAW TASK FORCE**

77 S. High Street, 22nd Floor, Hearing Room
Columbus, OH 43215-6133

January 24, 2014
10:00 a.m.

I. Preliminary Matters

Anne M. Petit, Superintendent of the Ohio Department of Commerce, Division of Real Estate & Professional Licensing, called the meeting to order and welcomed the task force members.

Roll Call: Laura Monick conducted roll call.

Present: Daniel Applegate, Stephen George, Hon. Keith G. Houts, Dr. John N. Low, Hon. Cory Noonan, Anne M. Petit, Jay Russell, David Snyder, James Turner, James Wright, Division Staff Attorney Laura Monick.

Absent: Patrick Piccininni

Review of Authorizing Statute: Allen County Commissioner Cory Noonan read into the record the authorizing statute of the Ohio Cemetery Law Task Force (130th GA, HB 59).

Introductions: David Snyder, an archeologist with the Ohio Historical Preservation Office; Cory Noonan, Allen County Commissioner; Stephen George, senior advisor with the Ohio Historical Society; Keith Houts, Jefferson Township Trustee, Mercer County; Anne M. Petit, Superintendent of the Division of Real Estate and Professional Licensing and Executive Secretary of the Ohio Cemetery Dispute Resolution Commission; James Turner, legal counsel for the Ohio Department of Natural Resources; Daniel Applegate, President of Arlington Memorial Gardens; James Wright, Ohio Cemetery Dispute Resolution Commissioner; Dr. John Low, assistant professor with the Ohio State University Newark, and a citizen of the Pokagon Band of Potawatomi Indians; Jay Russell, Trustee and cemetery committee member, Ohio Genealogical Society.

Election of Co-Chairs:

Mr. Turner opened the discussion of the election of co-chairs, as called for in the statute, and began the process by nominating Ms. Petit. Ms. Petit accepted the nomination and Dr. Low seconded the nomination. There was no additional discussion and no objections or further nominations. The nomination passed unanimously with Ms. Petit abstaining from the vote.

Mr. Wright then nominated Mr. Noonan as co-chair; Mr. Turner seconded the nomination. Mr. Noonan accepted the nomination. There was no additional discussion and no objections or further nominations. The nomination passed unanimously with Mr. Noonan abstaining from the vote.

Adoption of Procedural Rules:

Ms. Petit proceeded to adoption of procedural rules. Mr. Turner moved to adopt Roberts Rules of Order and Mr. Russell seconded the motion. The motion passed unanimously.

Ms. Petit then asked Mr. George if he would accept the task of compiling and crafting the recommendations of the task force, when the body reaches that point, into the report required under the statute. Mr. George accepted. Dr. Low seconded the motion. The motion passed unanimously.

II. New Business

Mr. Noonan moved the task force into new business and discussion on the focus and direction of the task force and how to proceed in moving forward. Mr. Piccininni arrived during these discussions.

The task force members' discussion included the following:

- Recommendations of policy that graves, cemeteries and the deceased require respectful treatment and what "respectful treatment" means; outreach and education to organizations in Ohio on treatment of deceased and care/protection of cemeteries; the opportunity to showcase Ohio's preservation of cemeteries;
- Existing provisions of the Ohio Revised Code and Administrative Code; the need to conduct a review of current law to identify where the task force may conclude there are deficiencies; whether existing law needs to be streamlined to reduce redundancy and to use the task force as an opportunity to assess the current effectiveness of laws and how to ensure the law is adequate in the future. This would also include a review of other states' models and Federal regulations including the Native American Graves Protection and Repatriation Act and Veterans' guidelines.
- The need to define the term "abandoned" as it pertains to burial sites.
- The methodology and potential usefulness of a central depository of burial locations throughout the state. This along with a process to report/submit locations upon the discovery of a burial site. The Ohio Genealogical Society has been conducting an inventory of as many cemeteries as the group is able.
- Providing protection/preservation of Native American burial sites and other remains/site/memorials of cemeteries located on private land and taking into consideration access to the cemetery and burial sites, qualifications of individuals wanting to restore memorials, and guidelines on proper restoration methods.
- The Ohio Cemetery Dispute Resolution Commission and providing the Commission with actual authority to effect real protection and the ability to both help improve cemeteries and help families; create maintenance standards for active cemeteries; some methodology that helps functioning of cemeteries. Increasing education offered by the Commission
- Governmental/Political Subdivisions: providing more flexibility for municipalities and townships, education so they have training on caring for cemeteries and possible funding.
- Transition issues such as: growth, economy, and consumer behavior; Ohio Department of Transportation access with respect to turn lanes and changes to roadways or right of ways

next to cemeteries and how to deal with safety of motorists' ingress and egress from cemeteries; columbarium and niches being added inside churches or on church grounds, and the future implications for churches that cease to exist.

The group determined that testimony from groups whose work and/or members are guided by or subject to Ohio's current laws, regulations, and rules is vital to the work product of this task force. The task force therefore will invite in person testimony or written comments to be submitted in lieu of testimony.

The members discussed numerous groups that represent an interest in the laws, regulations and rules pertaining to cemeteries/burial sites. A partial list, to be expanded as members may think of others, was compiled. That initial list includes: Ohio Township Association, Ohio Cemetery Association, Ohio Municipal League, Catholic Conference of Ohio, Ohio Jewish Federation, County Prosecuting Attorneys Association, a green burial cemetery, County Coroners, Ohio Home Builders Association/Developers, Ohio Historical Preservation Office (about the databases that they maintain), Veterans' Services, a large historical cemetery (perhaps Spring Grove or Lakeview - with respect to how to grow education), Ohio Chapter of Association of Gravestone Studies (Beth Santore is the head of this group), National Parks (Native American Repatriation), Division of Real Estate and Professional Licensing (Cemetery Commission), and Ohio Funeral Directors Association. Dr. Low added the Ohio Historical Society, which is currently running a program involving ten historic tribes of Ohio. Sharon Dean is the contact through which the tribes involved may be contacted.

The co-chairs will draft a letter inviting the interested parties to the next meeting. Ms. Petit committed to having those letters out, at least via electronic mail, by January 31 so that groups contacted may have time to respond and prepare. A copy of that letter shall be included in the minutes of this meeting for record keeping purposes (Attachment A).

Next Meeting Dates:

February 21, 2014 at 9:30 am

March 7, 2014 at 9:30 am

April 4, 2014 at 9:30 am

III. Adjournment

Mr. Turner moved to adjourn. Jay Russell seconded the motion, which passed unanimously.

Respectfully submitted,

Laura A. Monick

Staff Attorney, Ohio Division of Real Estate & Professional Licensing