

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

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

June 27, 2014
9:30 a.m.

I. Preliminary Matters

Co-chair Petit called the meeting to order.

Roll Call: Laura Monick conducted roll call.

Present: Daniel Applegate, Stephen George, Hon. Keith G. Houts, Dr. John N. Low, Anne M. Petit, Patrick Piccininni, Jay Russell, David Snyder, James Turner, James Wright

Excused: Hon. Cory Noonan

Review of Meeting Minutes: Co-Chair Petit opened the floor for discussion of the minutes of the June 6, 2014 meeting of the Ohio Cemetery Law Task Force. There being no discussion Mr. Turner moved to approve the minutes of the June 6th meeting. Mr. Russell seconded the motion. The motion passed unanimously.

II. Old Business

Co-Chair Petit opened the floor for discussion of old business.

Mr. Applegate arrived at 9:36 am. Mr. Piccininni arrived at 9:42 am.

The task force began with a discussion of criminal penalties; specifically desecration and vandalism. The conversation revolved around determining the desired outcomes from the task force's eventual recommendations. Discussion included looking at the reasons people might violate the statutes; the difference between felonies and misdemeanors and whether the task force wants to recommend a wider range of penalties for prosecutors versus increasing education for prosecutors on the cultural value of cemeteries/burial sites/monuments/memorials. The task force then looked at prosecutorial discretion and how prosecutors determine the level of proof of a crime and whether prosecutors only look at the amount of damage the crime caused. The task force deliberated on whether prosecutors would take into consideration what a cemetery/burial site/monument/memorial was worth; the value of cultural and historical significance; the cost of fixing/replacing damaged property and the value of antiquities if any were involved in the crime.

The task force determined that specific recommendations on individual crimes would be difficult to come to a consensus on but that it would be important to provide general recommendations on criminal penalties involving cemeteries/burial sites/monuments/memorials. The task force expressed frustration that the desecration and vandalism crimes occurring in cemeteries and burial sites are not being taken as seriously as they should be by prosecutors. The task force also indicated they strongly believe in the importance of education for prosecutors to draw more attention/thought on these crimes with respect to cemeteries/burials. There was also great consideration given to providing prosecutors the latitude to charge a range of misdemeanor or felony for desecration in ORC 2927.11.

The task force concluded with the recommendation that educational outreach should be conducted from stakeholder groups such as the Ohio Cemetery Dispute Resolution Commission, Ohio Cemetery Association, Ohio Township Association, Ohio Municipal League, Genealogical Societies and the Ohio History Connection. Finally, the task force would begin drafting a descending grade of misdemeanors and felonies available for desecration with grading not based on cost alone.

The task force then moved on to a discussion of natural burial and the draft language created by Mr. Turner and Ms. Monick. After a brief discussion Mr. Turner offered to work on re-wording the definition to make it more general with respect to vaults and chemicals.

The task force then began deliberating about cemeteries on private land versus registered, currently operating cemeteries with respect to the current draft of ORC 4767.12. The discussion progressed to burial sites versus archeological features, such as mounds. After a brief discussion it was determined that language would be drafted with respect to burial sites; incorporating NAGPRA standards and a reporting process when a burial site is discovered.

Mr. George left the meeting at 11:15 am.

III. New Business

Co-chair Petit brought the task force into new business. The task force began with the issue brought forth by the Ohio Cemetery Association with respect to the Bureau of Workers' Compensation (BWC) ratings of cemetery salespeople. Conversation revolved around the job of salespeople that go out to a site in the cemetery to show a consumer a specific burial location and the job of maintenance workers that are conducting physical labor out in the cemetery grounds. It was acknowledged that this is a costly issue for cemeteries but in the Ohio Cemetery Association's previous discussions with BWC, the agency was not inclined to modify the rating. Mr. Applegate noted that the Association also had suggested that BWC create a new rating for salespeople that go out into the cemetery versus true office staff. The task force determined that they would send an invitation to BWC to come speak to task force about this issue so that the task force has a clearer understanding of the issue from both the professionals' and agency's perspectives.

The next topic discussed was the Ohio Township Association's (OTA) request that statutory language be introduced to permit townships to sell merchandise. Mr. Applegate moved that the task force will include a recommendation that townships be permitted to sell merchandise. Mr. Russell seconded the motion. The motion passed unanimously.

Finally, the task force deliberated on the OTA's request to have the date restriction from ORC 517.07 removed. Co-chair Petit made a motion and then an amended motion on the topic with a second on both from Mr. Turner. However, with additional discussion, both the motion, amended motion and both seconds were withdrawn. The task force then requested that Co-chair Petit and Ms. Monick work on drafting motions for the task force to consider at the next meeting regarding this matter.

Next Meeting Dates:

July 25, 2014 at 9:30am.

IV. Adjournment

Co-chair Petit moved to adjourn the meeting at 11:46 am.