



Department of Commerce

Division of Real Estate
& Professional Licensing

Ted Strickland, Governor
Kimberly A. Zurz, 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 18, 2010
10:00 a.m.

PRESENT: Richard Finn, Chairperson; Thomas Kayati, Vice Chair; Joseph Kun; Marguerite Molk; David Shanteau; Robert Shenefield; Harold J. Wagner; James Wright; Laura Meechan, Division Legal Counsel; Danitra Kourkounakis, Supervisor and Theodore J. Hornyak, Investigator.

ABSENT: Marilyn Brandt

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 Marilyn Brandt.

Approval of Minutes: The minutes of the December 17, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Joseph Kun noted that it was not reflected in the minutes that he recused himself for Case No. 2009-697 Gene DeAngelis vs. St. Mary's Cemetery. James Wright moved to approve the minutes with the change. Joseph Kun seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received three complaints during the quarter. 11 complaints are open. The Division handled 186 phone calls, 0 email queries, and mailed 11 complaint forms. 3,500 cemeteries are currently registered with the Division.

Theodore Hornyak reported that he gave a presentation on cemetery regulations and the OCDRC at the Mid Year Conference of the Ohio Association of Cemetery Superintendents and Officials on March 17.

Legal Counsel Laura Meechan advised the Commissioners to provide her with any financial statements for the Ohio Ethics Commission after the meeting.

II. Old Business:

**Case No. 2009-404 Vivian K. Moon vs. Middletown Cemetery – Butler Co. –
Registration 982484**

Neither party attended the meeting. Theodore Hornyak reported that the attorneys for the parties requested more time to discuss the matter. Marguerite Molk moved to leave the complaint open to the next meeting. Harold Wagner seconded the motion, which passed unanimously.

**Case No. 2009-478 Anna and JC Hipsher vs. Butler County Memorial Park – Butler
Co. – Registration 982946**

David Shanteau recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainants were satisfied that the cemetery operator uncovered the grave. Harold Wagner moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously. David Shanteau rejoined the meeting.

**Case No. 2009-659 Douglas Srock vs. Belmont Park Cemetery – Trumbull Co. –
Registration 980106**

Neither party attended the meeting. Theodore Hornyak reported that the complainant requested that his complaint be closed. Harold Wagner moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously.

2009 Annual Report - ORC Section 4767.06(D)

Theodore Hornyak presented the 2009 Annual Report to the OCDRC.

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

David Shanteau recused himself from the meeting. Attorney Rocky Saxbe attended the meeting on behalf of StoneMor Partners. Theodore Hornyak reported that StoneMor Partners planned to close on an acquisition to purchase Memory Gardens Management Corporation (aka Ansure Mortuaries) which is the operator of Royal Oak Memorial Gardens and Heritage Hills Memory Gardens prior to the next OCDRC meeting. StoneMor Partners requested that the OCDRC direct the Division issue cemetery registration certificates for the two cemeteries to StoneMor upon closing. Subsequent to closing, StoneMor will provide the Division/OCDRC with audit results of the endowment care and preneed trust funds for both cemeteries and assure that any fund shortages are deposited.

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Thomas Kayati moved to direct the Division to issue cemetery registration certificates for Royal Oak Memorial Gardens and Heritage Hills Memory Gardens to StoneMor Partners upon proof of deposits of any shortages to endowment care and preneed merchandise and services trusts. Harold Wagner seconded the motion, which passed unanimously.

The OCDRC requested that the Division provide an update at the next meeting. David Shanteau rejoined the meeting.

**Case No. 2009-777 Peggy Kuhn vs. Fairview Memorial Park – Delaware Co. -
Registration 982685**

Neither party attended the meeting. Theodore Hornyak reported that the complaint was resolved. Harold Wagner moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

**Case No. 2009-778 Donna Good vs. Floral Hill Memory Gardens – Ross Co. –
Registration 980717**

Neither party attended the meeting. Theodore Hornyak reported that the complaint wrote that her complaint was resolved on January 18. Marguerite Molk moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously.

**Case No. 2009-783 Randy Monnin vs. Forest Hills Memorial Gardens – Miami Co. -
Registration 981065**

David Shanteau recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Harold Wagner moved to continue the complaint to the next meeting. Marguerite Molk seconded the motion which was not approved. James Wright moved to close the complaint. Harold Wagner seconded the motion, which passed by a vote of six to one with Thomas Kayati voting no. David Shanteau rejoined the meeting.

**Case No. 2009-784 Jerome Horn vs. Arlington Memorial Gardens – Hamilton Co. –
Registration 981855**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Thomas Kayati moved to close the complaint with the recommendation that the complainant work with his former spouse to obtain a refund because the contract was with his former spouse. Harold Wagner seconded the motion, which passed unanimously.

Case No. 2009-792 Kenneth Hanning vs. Community Gardens Cemetery (fka Greenlawn Memory Gardens) – Perry Co. – Registration 982970

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that he could transfer his interment right to whomever he chose and the cemetery operator would charge a transfer fee for the service. David Shanteau moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

Case No. 2010-1 James A. McComis vs. Sunset Cemetery – Franklin Co. – Registration 983204

James Wright recused himself from the meeting. James McComis presented his complaint to the Commission. Eric Lutz spoke on behalf of the cemetery operator. David Shanteau moved to close the complaint and recommend that the cemetery operator be sure to make it clear to the consumer what they are being charged for and what they are not being charged for and also be sure to explain the difference between a contract and an interment authorization. Robert Shenefield seconded the motion, which passed unanimously. James Wright rejoined the meeting.

Case No. 2010-8 Charlie Hess vs. Vine Street Hill Cemetery – Hamilton Co. – Registration 980692

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied after meeting with the cemetery operator. Marguerite Molk moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously.

IV. Other Business

Review of Cemetery Minimum Maintenance Guidelines - ORC Section 4767.06(H)

The OCDRC made a recommendation to modify one of the guidelines to include maintaining records of interment right owners and burial records to be kept in a fireproof container and duplicate copies possibly offsite. Laura Meechan advised that she would prepare a draft copy for the next meeting.

Chairman Finn read a letter from Commissioner Marguerite Molk advising that she would not seek a second term as Commission but enjoyed her time while serving on the OCDRC.

The next Ohio Cemetery Dispute Resolution Commission meetings are scheduled for June 17, September 23, and December 16, 2010 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

V. Adjournment

Harold Wagner moved to adjourn the March 18, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission. Thomas Kayati seconded the motion, which passed unanimously.