



# 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

June 17, 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 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 March 18, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. David Shanteau moved to approve the minutes. Thomas Kayati seconded the motion, which passed unanimously.

**Superintendent's Report:** Quarterly Report - The Division's Cemetery Section received eight complaints during the quarter. 10 complaints are open. The Division handled 239 phone calls, 2 email queries, and mailed 21 complaint forms. 3,515 cemeteries are currently registered with the Division.

The Department of Commerce's Communications Office enhanced the Ohio Cemeteries: A Consumer Guide brochure. The office also issued a news release prior to Memorial Day informing the public about the OCDRC.

The Division and OCDRC Chair Richard Finn thanked Marguerite Molk and Harold Wagner for their service on the OCDRC. Both of their terms expire July 2.

II. Old Business:

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

Thomas Kayati moved to approve the modifications to the Cemetery Minimum Maintenance guidelines as discussed in the last meeting. Marguerite Molk seconded the motion, which passed unanimously.

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

Theodore Hornyak updated the Commission on the status of the transfer of operation of Royal Oak Memorial Gardens and Heritage Hills Memory Gardens to StoneMor Partners, LP.

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

Neither party attended the meeting. Theodore Hornyak reported that the complainant withdrew her complaint. Thomas Kayati moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously.

**Case No. 2010-122 Alan Oppenheim vs. Zion Memorial Park Cemetery – Cuyahoga Co. – Registration 983285**

Neither party attended the meeting. Theodore Hornyak reported that the attorneys for both parties requested more time to work out an agreement. Thomas Kayati moved to leave the complaint open to the next meeting. James Wright seconded the motion, which passed unanimously.

**Case No. 2010-180 Susan Ganaway vs. Cleveland Memorial Gardens – Cuyahoga Co. – Registration 2002012385**

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator would allow an appropriate monument along with a separate infant marker. David Shanteau moved to close the complaint with the recommendation that the cemetery operator update the cemetery's burial authorization form. Joseph Kun seconded the motion, which passed unanimously.

**Case No. 2010-240 Phyllis Menefee vs. Hillside Memorial Park – Summit Co. -  
Registration 982219**

David Shanteau recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Robert Shenefield moved to close the complaint. Harold Wagner seconded the motion, which passed with a vote of six ayes and one opposed.

David Shanteau rejoined the meeting.

**Case No. 2010-263 Doris Di Domenico vs. Floral Hills Memory Gardens – Pickaway Co.  
980715**

Doris Di Domenico presented her complaint to the Commission. The cemetery operator did not attend the meeting. David Shanteau moved to close the complaint with the recommendation that that the cemetery operator clean up the cemetery and follow the Commission's "Cemetery Minimum Maintenance Guidelines". Harold Wagner seconded the motion, which passed unanimously.

**IV. Other Business**

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, September 23, 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 June 17, 2010 meeting of the Ohio Cemetery Dispute Resolution Commission. Marguerite Molk seconded the motion, which passed unanimously.