



**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**

**June 16, 2011
10:00 a.m.**

PRESENT: Thomas Kayati, Chairperson, David Shanteau, Vice Chair; Joseph Kun, Secretary; Marilyn Brandt; Phyllis Byard; Richard Finn; James Wright; Laura Monick, Division Legal Counsel and Theodore J. Hornyak, Investigator.

ABSENT: None.

I. Preliminary Matters:

Roll Call: Chairperson Thomas Kayati 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 March 10, 2011 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Richard Finn moved to approve the minutes. James Wright seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received fourteen complaint during the quarter. Seventeen complaints are open. The Division handled 286 phone calls, one email queries, and provided twelve complaint forms. 3,528 cemeteries are currently registered with the Division.

Laura Monick reminded the Commissioners about signing up for ethics training.

Ohio Department of Commerce Director David Goodman presented certificates of appreciation to Commissioners Thomas Kayati and Richard Finn. Both of their terms expire on July 2.

II. Old Business:

**Case No. 2010-738 Olive Diane Derifield vs. St. Peter Cemetery - Scioto Co. –
Registration 982585**

Richard Finn recused himself from the meeting. The complainant did not attend the meeting. Theodore Hornyak reported that the cemetery operator found the original receipt and both parties requested more time to work on an agreement. Marilyn Brandt moved to leave the complaint open to the next meeting. James Wright seconded the motion which passed unanimously. Richard Finn rejoined the meeting.

**Case No. 2010-763 Malcolm Van Deursen vs. Green Lawn Cemetery – Franklin Co
- Registration 982676**

David Shanteau recused himself from the meeting. Theodore Hornyak reported that the cemetery operator provided a refund in the amount of \$51.40. James Wright moved to close the complaint. Marilyn Brandt seconded the motion which passed unanimously.

III. New Business

**Case No. 2011-100 Virginia Johnson vs. Crown Hill Cemetery –Summit Co. –
Registration 980454**

Virginia Johnson presented her complaint to the Commission. The cemetery operator did not attend the meeting. Marilyn Brandt moved to leave the complaint open and direct the Division of Real Estate and Professional Licensing to issue a subpoena to the cemetery operator to appear at the next meeting. Joseph Kun seconded the motion, which passed unanimously. David Shanteau rejoined the meeting.

**Case No. 2011-133 Hershelene Wright vs. Floral Hills Memory Gardens – Ross Co. –
Registration 980717**

Hershelene Wright presented her complaint to the Commission. The cemetery operator did not attend the meeting. Ms. Wright reported that although the marker was installed, she still needed the corner markers. Phyllis Byard Moved to leave the complaint open to the next meeting. James Wright seconded the motion, which passed unanimously.

**Case No. 2011-156 Atlas Ferrell vs. Lakewood Cemetery Association – Summit Co. –
Registration 981282**

Atlas Ferrell presented his complaint to the Commission. William Dane spoke on behalf of the cemetery operator. David Shanteau moved to close the complaint. Richard Finn seconded the motion, which passed unanimously.

**Case No. 2011-174 Robert Schobelock vs. Floral Hills Memory Gardens – Ross Co.
Registration 980717**

Neither party attended the meeting. Theodore Hornyak reported that the cemetery operator ordered the plaque last week and will install it when it arrives. James Wright moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2011-196 Linda Vollmer vs. Resurrection Cemetery – Delaware Co. -
Registration 981917**

Richard Finn recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied with the cemetery operator's response. Joseph Kun moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously. Richard Finn rejoined the meeting.

IV. Other Business

Legal Counsel Laura Monick advised the Commission that because the two Floral Hill cemeteries are not in compliance with the cemetery registrations, we cannot open anymore new complaints.

Some of the Commissioners had question about recusing themselves from meetings. Laura Monick replied that she would research the matter and report back at the next meeting.

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for September 15, 2011 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

V. Adjournment

Richard Finn moved to adjourn the June 16, 2011 meeting of the Ohio Cemetery Dispute Resolution Commission. Joseph Kun seconded the motion, which passed unanimously.

