



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

September 20, 2011
10:00 a.m.

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PRESENT: David Shanteau, Vice Chair; Joseph Kun, Secretary; Marilyn Brandt; Phyllis Byard; James Wright; Natalie Doan, Division Chief Legal Counsel and Theodore J. Hornyak, Investigator.

ABSENT: None.

I. Preliminary Matters:

Roll Call: Vice Chairperson David Shanteau called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present.

Election of Officers: Marilyn Brandt moved to elect David Shanteau as Chairperson. James Wright seconded the motion, which passed unanimously. Joseph Kun moved to elect James Wright as Vice Chairperson. David Shanteau seconded the motion, which passed unanimously. James Wright moved to elect Marilyn Brandt as Secretary. Joseph Kun seconded the motion, which passed unanimously.

Approval of Minutes: The minutes of the June 16, 2011 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Phyllis Byard moved to approve the minutes. Marilyn Brandt seconded the motion, which passed unanimously.

Crematory Review Board Appointments: Chair David Shanteau appointed James Wright, Phyllis Byard and himself to the Crematory Review Board.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received three complaints during the quarter. Fifteen complaints are open. The Division handled 277 phone calls, one email inquiry, and provided five complaint forms. 3,524 cemeteries are currently registered with the Division.

Theodore Hornyak spoke about cemetery regulations and the OCDRC at an event hosted by The Ohio Genealogical Society last week. Mr. Hornyak also attended the meeting and conference of the North American Death Care Regulators Association in early August where he was reelected to the Executive Committee.

II. Old Business:

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

Neither party attended the meeting. Theodore Hornyak reported that both parties requested more time to work on an agreement. Joseph Kun moved to leave the complaint open to the next meeting. Phyllis Byard seconded the motion which passed unanimously.

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

Virginia Johnson and Tom Hadden presented the complaint to the Commission. Bobbie Onderud spoke on behalf of the cemetery. The parties agreed that the complainant would trade her interment rights from an undeveloped area in the cemetery in exchange for a refund in the amount of \$3100 and four graves in a developed area. Joseph Kun moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously.

III. New Business

Expired Cemetery Registrations – Marilyn Brandt moved to refer twelve cemeteries to their respective county prosecutors for violating Ohio Revised Code Section 4767.02(A) for failing to renew cemetery registrations. James Wright seconded the motion, which passed unanimously.

**Case No. 2011-235 Lewis Jordan vs. Floral Hills Memory Gardens – Pickaway Co. –
Registration 980715**

Lewis Jordan presented his complaint the Commission. Phyllis Byard moved provide the complainant with a copy of the Division's referral letter to the Pickaway County Prosecutor. Joseph Kun seconded the motion, which passed unanimously.

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

Neither party attended the meeting. Theodore Hornyak reported that the complainant was very satisfied that the cemetery operator installed the corner markers. Joseph Kun moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2011-234 Bobby Bevins vs. Floral Hills Memory Gardens - Ross Co. -
Registration 980717**

Neither party attended the meeting. Theodore Hornyak reported that the cemetery operator probed the grave. Marilyn Brandt moved to close the complaint. Joseph Kun seconded the motion, which passed unanimously.

**Case No. 2011-236 Paul Fairbanks vs. Floral Hills Memory Gardens - Ross Co. -
Registration 980717**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Joseph Kun moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2011-253 Lucille Frost vs. Floral Hills Memory Gardens - Ross Co. -
Registration 980717**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Phyllis Byard moved to close the complaint with a recommendation that the operator take better care of the property. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2011-276 Phyllis Smith vs. Floral Hills Memory Gardens - Ross Co. -
Registration 980717**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission and reported that the complainant wrote "It appears they are keeping it mowed now". James Wright moved to close the complaint. Joseph Kun seconded the motion, which passed unanimously.

**Case No. 2011-277 Donna Carpenter vs. Floral Hills Memory Gardens - Ross Co. -
Registration 980717**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Marilyn Brandt moved to close the complaint with the recommendation that the operator improve maintenance. Joseph Kun seconded the motion, which passed unanimously.

**Case No. 2011-228 Darlene Pehanich vs. Fort Steuben Burial Estates – Wayne Co. –
Registration 981115**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission and reported that the complainant wrote, “I worked thing out with the graveyard. They are working with me. I really appreciate your help”. Joseph Kun moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2011-237 Charlotte Goldman vs. Agudas Achim Cemetery – Franklin Co. -
Registration 982186**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission and reported that the cemetery operator reimbursed \$1600.00 to the complainant’s estate. Phyllis Byard moved to close the complaint. James Wright seconded the motion, which passed unanimously.

**Case No. 2011-254 Clara Tighe vs. Meadow Green Memorial Park – Erie Co. –
Registration 983177**

Clara and Tom Tighe presented the complaint to the Commission. Kara and Leon Groff spoke on behalf of the cemetery operator. Joseph Kun moved to leave the complaint open so that the parties could work out an agreement. James Wright seconded the motion, which passed unanimously.

**Case No. 2011-281 Percey Davis vs. Greencastle Cemetery – Montgomery Co. –
Registration 983206**

Percey and George Davis presented the complaint to the Commission. Darren Boykin spoke on behalf of the cemetery operator. Joseph Kun moved to close the complaint with the recommendation to the complainant that she acquire a court order. James Wright seconded the motion which passed unanimously.

IV. Other Business

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

V. Adjournment

James Wright moved to adjourn the September 20, 2011 meeting of the Ohio Cemetery Dispute Resolution Commission. Joseph Kun seconded the motion, which passed unanimously.