



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 28, 2012
10:00 a.m.

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PRESENT: David Shanteau, Chair; James Wright, Vice Chair; Marilyn Brandt; Phyllis Byard; Tony Hughes; Rufus Slade; Laura Monick, Division Legal Counsel; and Theodore J. Hornyak, Investigator.

ABSENT: Robert Winter.

I. Preliminary Matters:

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

Approval of Minutes: The minutes of the March 22, 2012 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Tony Hughes moved to approve the minutes. Marilyn Brandt seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received eight complaints during the quarter. Eleven complaints are open. The Division handled 321 phone calls, no email inquiries, and provided three complaint forms. 3,536 cemeteries are currently registered with the Division.

II. Old Business:

Case No. 2011-482 Woodford Spencer vs. Heritage Hills Memory Gardens – Warren Co. – Registration 983193

David Shanteau recused himself from the meeting. Neither party attended the meeting. The Commission decided to close the complaint and noted that the complainant could file another complaint if he remained unsatisfied. Tony Hughes moved to close the complaint. Rufus Slade seconded the motion, which passed unanimously. David Shanteau rejoined the meeting.

I. New Business

**Case No. 2012-116 Carol Alumeysi vs. Standing Rock Cemetery - Portage Co. -
Registration 982674**

Carol Alumeysi presented her complaint to the Commission. The cemetery operator did not attend. Phyllis Byard moved to close the complaint with no further action. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2012-123 William Cope vs. Enon Cemetery - Clark Co. - Registration
980522**

William Cope presented his complaint to the Commission. Mad River Township Trustee Robert McClure, Clark County Assistant Prosecutor Andrew Pickering and Cemetery Sexton Donald O'Connor spoke on behalf on the cemetery operator. James Wright moved to close the complaint with no recommendation. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2011-613 Ethel Kandzer vs. Western Reserve Memorial Gardens - Geauga
Co - Registration 980693**

Neither party attended the meeting. Theodore Hornyak reported that the complainant accepted an exchange of cremation fees for the cost of an opening and closing. Phyllis Byard moved to close the complaint. Tony Hughes seconded the motion, which passed unanimously.

**Case No. 2012-186 Jack Loos vs. Gate of Heaven Cemetery - Hamilton Co -
Registration 982944**

Neither party attended the meeting. Theodore Hornyak reported that the complaint was satisfied that the cemetery operator returned the marker installation fee to \$275.00. Marilyn Brandt moved to close the complaint. Phyllis Byard seconded the motion, which passed unanimously.

**Case No. 2012-269 Diane Tagliaferri vs. All Souls Cemetery - Cuyahoga Co. -
Registration 982023**

Theodore Hornyak presented the complaint to the Commission. Attorney Andrej Lah spoke on behalf of the cemetery operator. The Commission decided to close the complaint after stating that, according to a document signed by the complainant, the complainant does not have a right to place a memorial until the burial cost is paid. Tony Hughes moved to close the complaint. Marilyn Brandt seconded the motion, which passed unanimously.

**Case No. 2012-283 Joan Hartley vs. Meadow Green Cemetery – Erie Co. –
Registration 983177**

Joan Hartley presented her complaint to the Commission. Leon Groff and Kara Groff spoke on behalf of the cemetery operator. Tony Hughes moved to close the complaint with the recommendation that the cemetery operator continue to try to notify previous purchasers. James Wright seconded the motion, which passed unanimously.

IV. Other Business

Representatives of the Catholic Cemeteries of Ohio were recognized by the Commission.

James Wright was recognized for his service as a Commissioner.

Division Superintendent Anne Petit addressed the Commission and reported the status of the program cemetery funds. The Commission went into Executive Session with the Superintendent to discuss the cemetery program.

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for September 20, 2012 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

V. Adjournment

Tony Hughes moved to adjourn the June 28, 2012 meeting of the Ohio Cemetery Dispute Resolution Commission. Rufus Slade seconded the motion, which passed unanimously.