



Department of Commerce

Division of Real Estate &
Professional Licensing

John R. Kasich, Governor
Jayme Brown, Interim 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 21, 2013
10:00 a.m.

PRESENT: Marilyn Brandt, Chair; Robert Winter, Vice-chair; David Shanteau; Phyllis Byard; Tony Hughes; Rufus Slade; Laura Monick, Registration and Resolution Section Chief; Kelly Neer, External Auditor; and Keith O’Korn, Assistant Attorney General.

I. Preliminary Matters

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

Approval of Minutes: The minutes from the December 13, 2012 of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. Phyllis Byard moved to approve the minutes. Robert Winter seconded the motion, which passed unanimously.

Superintendent’s Report: Laura Monick presented the report on behalf of the Superintendent. Ms. Monick began the report by introducing Assistant Superintendent Kimberley Wells and Kelly Neer the new external auditor. Discussion continued on the enforcement statistics and the February monthly financial report. Ms. Monick reported on her attendance at both the Ohio Township Association and Ohio Cemetery Association Winter Conferences. The discussion concluded with remarks concerning the open commission member seats and a reminder that completed financial disclosure statements were to be filed with the Department by April 19th.

II. Old Business

Case No. 2012-384 Harry Williamson, Jr. vs. Ridge Hill Memorial Park – Prosecutorial referral clarification

Neither party attended the meeting. Laura Monick presented the case for clarification of the Commission’s referral to the Lorain County Prosecutor made at the December 13, 2012 meeting. David Shanteau moved to find there is a competing interest between funeral directors and the cemetery and therefore the Board of Trustees is in violation of Article III, Section II of Ridge Hill Memorial Park’s Code of Regulations. Tony Hughes seconded the motion, which passed unanimously.

III. New Business

Case No. 2012-714 Karen Jo Hudson vs. Mount Moriah Cemetery – Clermont Co. – Registration 980733

Karen Jo Hudson presented her complaint to the Commission. The cemetery operator was represented by Kent Geis, Union Township Administrator and Larry Barbieri, Law Director. After discussion with both parties, David Shanteau moved to close the case with the recommendation to Ms. Hudson that she communicate with her ex-husband and his family to try and resolve the issue. Tony Hughes seconded the motion, which passed unanimously.

Case No. 2012-681 Theresa Freiberger vs. Dayton Memorial Park Cemetery – Montgomery Co. – Registration 982798

Theresa Freiberger was not present. The cemetery operator was represented by Glen Pottenger, General Manager and David Lewis. After discussion with the cemetery, David Shanteau moved to close the case with the recommendation that the cemetery notify Ms. Freiberger that the cemetery will place her canister in the ground and that she may place a flag pursuant to the rules and regulations of the cemetery. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2013-34 Betty Lindsey vs. Union Baptist Cemetery – Hamilton Co. – Registration 980130

Betty Lindsey presented her complaint to the Commission. The cemetery was not present. Laura Monick stated that the cemetery had called with the information that the cemetery had located the grave and had plans to raise the stone. Upon review of pictures of the cemetery and testimony, David Shanteau moved to close the case with the finding that the cemetery is not being maintained and with the recommendation that the cemetery follow the minimum maintenance guidelines established by the Commission; that the cemetery be aware of ORC 3705.17 in keeping interment records and that the cemetery notify Ms. Lindsey within 60 days where the burial is located and where the monument is located. Phyllis Byard seconded the motion, which passed unanimously.

Marilyn Brandt recused herself from the meeting. General Keith O’Korn recused himself from the meeting and Assistant Attorney General Walter McNamara came into the meeting.

Case No. 2012-723 Charissa D. Payer vs. Lake Park Cemetery – Mahoning Co. – Registration 980793

Charissa Payer presented her complaint to the Commission. The cemetery was represented by Dennis Thompson. After discussion with both parties, David Shanteau moved to close the case with the recommendation that the cemetery have Mrs. Gray issue an apology for the miscommunication with Ms. Payer and Ms. Hartzell. Tony Hughes seconded the motion, which passed unanimously.

Marilyn Brandt and Keith O’Korn returned to the meeting. Walter McNamara left the meeting.

Case No. 2012-702 Adrienne Wells vs. Wesleyan Cemetery of Cincinnati – Hamilton Co. – Registration 983115

Neither party attended the meeting. Laura Monick presented the case. David Shanteau moved to close the complaint with no recommendation. Rufus Slade seconded the motion, which passed unanimously.

IV. Other Business

Review of Annual Report

Laura Monick presented a draft of the annual report required by ORC 4767.06(D). Phyllis Byard moved to approve the Annual Report as presented. Robert Winter seconded the motion, which passed unanimously.

V. Adjournment

David Shanteau moved to adjourn. Robert Winter seconded the motion, which passed unanimously.