



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, OH 43215-6133

July 18, 2013
10:00 a.m.

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

ABSENT: Tony Hughes

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 except for Tony Hughes.

Approval of Minutes: The minutes from the March 21, 2013 meeting of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. David Shanteau moved to approve the minutes. Phyllis Byard seconded the motion, which passed unanimously.

Superintendent’s Report: The Superintendent began her report by discussing the number of new complaints opened, newly registered cemeteries and the number of phone calls received during the last quarter. The Superintendent also welcomed the Department’s new Director Andre Porter and Commissioner Goncy. The Superintendent reported on Laura Monick and Kelly Neer visiting cemeteries throughout Ohio. Discussion continued on the revised burial permit fee form and other outreach conducted by the Division. Commissioners Marilyn Brandt and David Shanteau were presented certificates of appreciation for their service to the commission. The discussion concluded with remarks concerning the Ohio Cemetery Law Task force in House Bill 59.

II. New Business

Case No. 2013-241 Barbara Strausbaugh vs. Biddle Cemetery – Crawford Co. – Registration CRC.982954

Barbara Strausbaugh did not attend. The cemetery operator was represented by James W. Pry, II. Pictures taken by Mr. Pry were presented to the commission along with an email from Ms. Strausbaugh. The Commission discussed with Mr. Pry the steps taken at the

cemetery to level and reseed the grave. Robert Winter then moved to close the case with no recommendation. Rufus Slade seconded the motion, which passed unanimously.

Case No. 2013-325 Cindy Lacey vs. Sunset Trust Estate – Sunset Cemetery – Franklin Co. – Registration CRC.983204

Cindy Lacey presented her complaint to the Commission. The cemetery was represented by Eric Lutz, General Manager and Beth Wagner. The Commission discussed the importance of both parties consistently following the Rules and Regulations of the cemetery. David Shanteau then moved to close the complaint with no recommendation. Rufus Slade seconded the motion, which passed unanimously.

David Shanteau recused himself from the meeting.

Case No. 2013-230 Shirley Nuber vs. Green Lawn Cemetery – Franklin Co. – Registration CRC.982676

Shirley Nuber presented her complaint to the Commission. The cemetery was represented by Jack Lee-Harris, General Manager. The Commission discussed the actions Green Lawn Cemetery has taken to resolve the flooding issue. In addition, the Commission recommended that in the future the parties work together to resolve any maintenance issues. Rufus Slade then moved to close the complaint with no recommendation. Don Goncy seconded the motion, which passed unanimously.

Case No. 2013-326 William W. Brown vs. Green Lawn Cemetery – Franklin Co. – Registration CRC.982676

William Brown presented his complaint to the Commission along with his Attorney, Patrick Mangan. The cemetery was represented by Jack Lee-Harris along with Attorney Kelly Yeoman. The Commission discussed with the parties the cemetery's efforts in increasing security and that the cemetery should contact people as soon as possible to let them know what is happening. Robert Winter then moved to close the complaint with no recommendation. Rufus Slade seconded the motion, which passed unanimously.

Expired Cemetery Registrations

Laura Monick presented to the Commission eleven cemeteries with expired cemetery registrations. Rufus Slade then moved to find that the cemeteries listed in the attached Exhibit A failed to timely renew their annual registration; that those cemeteries were contacted by Division staff and that there was renewal paperwork pending processing. Based upon those findings, Rufus Slade moved to refer the cemeteries to their respective county prosecutors for violating ORC 4767.02(A) for failing to renew the cemetery registrations if any of the cemeteries listed in the attached Exhibit A failed to file their complete renewal paperwork by July 31, 2013. Phyllis Byard seconded the motion, which passed unanimously.

III. Other Business

Review of Minimum Maintenance Guidelines

Laura Monick presented a current copy of the minimum maintenance guidelines. The Commission requested additional time to review the guidelines and proposed that this be placed on the September 19, 2013 agenda.

IV. Adjournment

Rufus Slade moved to adjourn. Robert Winter seconded the motion, which passed unanimously.